



**BOARD OF ADJUSTMENT
JULY 11, 2016
5:30PM
CITY COUNCIL CHAMBERS
301 WEST 2ND STREET
AUSTIN, TEXAS**

___ Brooke Bailey	___ Don Leighton-Burwell
___ Michael Benaglio	___ Rahm McDaniel
___ William Burkhardt (Chair)	___ Melissa Neslund
___ Eric Goff	___ James Valadez
___ Melissa Hawthorne (Vice Chair)	___ Michael Von Ohlen
___ Bryan King	___ Kelly Blume (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. APPROVAL OF MINUTES

A-1 Draft minutes – June 13, 2016

B. SIGN REVIEW BOARD RECONSIDERATIONS

NONE

C. SIGN REVIEW BOARD PREVIOUS POSTPONEMENTS

NONE

D. SIGN REVIEW BOARD NEW PUBLIC HEARINGS

NONE

E. BOARD OF ADJUSTMENT INTERPRETATION RECONSIDERATIONS

NONE

F. BOARD OF ADJUSTMENT INTERPRETATION PREVIOUS POSTPONEMENTS

**F-1 C15-2015-0147 Robert Kleeman
8901 West Highway 71**

AUSTIN ENERGY HAS NO COMMENT

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)

REQUESTING POSTPONEMENT TO AUGUST 8, 2016 BY APPLICANT

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

AUSTIN ENERGY HAS NO COMMENT

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 AUGUST 8, 2016 BY APPLICANT

G. BOARD OF ADJUSTMENT INTERPRETATION NEW PUBLIC HEARINGS

NONE

H. BOARD OF ADJUSTMENT RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

I. BOARD OF ADJUSTMENT RECONSIDERATIONS

**I-1 C15-2016-0060 Lotte Vehko for Sara and William Bircher
3913 Avenue F**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. WHEN YOU OBTAIN A BUILDING PERMIT, IF THE SERVICE DROP IS RECOMMENDED TO BE RELOCATED, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, 512-505-7604, AS SHE WILL PROVIDE YOU DIRECTION TO RELOCATE YOUR NEW SERVICE DROP.

The applicant has requested variance(s) to Ordinance 020131-20 Part 8, 1 (*Site Development Standards Table*) to decrease the minimum rear yard setback from 10 feet (required/permitted) to 3 feet 6 inches (requested) in order to erect a new two-story garage with apartment in an “SF-3-H-HD-NCCD-NP”, Family Residence – Historic Landmark - Historic Area – Neighborhood Conservation Combining District - Neighborhood Plan zoning district. (Hyde Park)

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

NONE

K. BOARD OF ADJUSTMENT NEW PUBLIC HEARING SPECIAL EXCEPTIONS

**K-1 C15-2016-0072 Martin Butler
6100 Nasco Drive**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

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 shed constructed at least 10 years ago in an “SF-2”, Family Residence zoning district.

**K-2 C15-2016-0080 Patrick W. O’keefe
1101 Garner Avenue**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE

CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

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 street side yard setback from 15 feet (required) to 0 feet (requested, existing) in order to maintain a portico and carport constructed at least 10 years ago in an “SF-3”, Family Residence zoning district.

L. BOARD OF ADJUSTMENT PREVIOUS POSTPONEMENTS

**L-1 C15-2015-0106 Michael Kane for Joe Ross
1516 Kinney Avenue**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot size from 5,750 square feet (required) to 5,548 square feet (requested) in order to construct a single family home in an “SF-3”, Family Residence zoning district.

**L-2 C15-2015-0172 John A. Latham
502 West Longspur Boulevard**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. – NOTED, THE 7.5’ PUE ON PLAT.

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) **(GRANTED Item A on December 14, 2015)**

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)

**L-3 C15-2016-0045 LA48-84, LLC for Aileen and Lee Krasner
70 Julius Street**

AUSTIN ENERGY DOES NOT OPPOSE YOUR APPLICATION FOR THE ABOVE VARIANCE, WHICH IS SHOWN ON THE ATTACHED ELECTRONIC STAMPED SKETCH, PROVIDED THAT ALL PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AUSTIN ENERGY CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA.

AUSTIN ENERGY TRANSMISSION CIRCUIT 825, RUNS PARALLEL ALONG PEDERNALES STREET, BEING THE REAR PROPERTY LINE. AE TRANSMISSION ENGINEERING HAS REQUESTED A MINIMUM 15 FT. WIDE SETBACK FROM THE PROPERTY LINE ADJACENT TO PEDERNALES STREET. NO BUILDINGS OF ANY KIND CAN BE WITHIN THIS SETBACK, INCLUDING, BUT NOT LIMITED TO: EAVES, STAIRWELLS, BALCONIES, ETC.

IF THE SERVICE DROPS ARE RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, 512-505-7604, AS SHE WILL PROVIDE DIRECTION FOR THE RELOCATING OF THE NEW SERVICE DROP(S). ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

The applicant has requested variance(s) to Section 25-2-774 (B) (*Two-Family Residential Use*) to decrease the standard lot size from 5,750 square feet to 5,098 square feet in order to build a new single family home and second dwelling unit in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly, Festival Beach Waterfront Overlay)

Note: Section 25-2-943 (*Substandard Lot*) of the Zoning Ordinance permits lots configured prior to March 15, 1946 (which this lot would meet) to be smaller than 5,750 square feet for construction of a single family home, but that exemption does not to allow a second dwelling unit/two-family residential use proposed.

**L-4 C15-2016-0049 Jordan French
206 San Marcos Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. WHEN YOU OBTAIN A BUILDING PERMIT, IF THE SERVICE DROP IS RECOMMENDED TO BE RELOCATED, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN

The applicant has requested a variance from Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 9 spaces (required, which per 25-6-611 is 60% of that prescribed for the proposed use) to 1 space (requested, 1 handicapped space is provided) in order to change the use of an existing 1,554 square foot structure from office to cocktail lounge use in a “TOD-NP”, Transit Oriented District – Neighborhood Plan zoning district. (Central East Austin)

M. BOARD OF ADJUSTMENT NEW PUBLIC HEARINGS

**M-1 C15-2016-0074 Shaw Hamilton for Bradley Bechtol
2402 South 2nd Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. WHEN YOU OBTAIN A BUILDING PERMIT, IF THE SERVICE DROP IS RECOMMENDED TO BE RELOCATED, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, 512-505-7604, AS SHE WILL PROVIDE YOU DIRECTION TO RELOCATE YOUR NEW SERVICE DROP.

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum front setback from 25 feet (required/permitted) to 11.6 feet (requested, front setback average for block 21.6 in order to construct a single family home in an “SF-3”, Family Residence – zoning district.

**M-2 C15-2016-0075 Ron Thrower for Jessica Crowley
2215 Willow Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED THAT THE CURRENT SERVICE DROP TO THE PRIMARY RESIDENCE IS RELOCATED AND ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, 512-505-7604, FOR A RECCOMENDED LOCATION OF A NEW SERVICE DROP. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

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

- A. decrease the minimum side setback from 5 feet (required/permitted) to 1.5 feet (requested, existing); and to
- B. decrease the minimum rear setback from 10 feet (required/permitted) to .75 feet (requested, existing); and to

C. decrease the minimum front setback from 25 feet (required/permitted) to 19.5 feet (requested existing)

in order to remodel a single family home in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Holly)

REQUESTING POSTPONEMENT TO AUGUST 8, 2016 BY APPLICANT

**M-3 C15-2016-0077 Gregory Millard for Swiki Anderson
1604 West Lane**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. WHEN YOU OBTAIN A BUILDING PERMIT, IF THE SERVICE DROP IS RECOMMENDED TO BE RELOCATED, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, 512-505-7604, AS SHE WILL PROVIDE YOU DIRECTION TO RELOCATE YOUR NEW SERVICE DROP.

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

- A. decrease the front yard setback from 40 feet (required) to 15 feet (requested); and to
- B. decrease minimum lot width from 100 feet (required) to 48.7 feet (requested, measured at 40 foot front setback line); and to
- C. decrease the minimum side setback on north side of lot from 10 feet (required) to 5 feet (requested); and to
- D. Section 25-2-551(C) (3) (Lake Austin District Regulations) to increase the maximum impervious cover from 35% (required for slope gradient of 15% or less) to 38% (requested)

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

Note: this variance request was approved by the Board March 9, 2015, however that variance expired one year after that date prior to permits being issued at the site.

**M-4 C15-2016-0078 Mark Rogers (Guadalupe Neighborhood Development Corp.)
705 Lydia Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

The applicant has requested variance(s) from Section 25-2-1461 Secondary Apartment (Special Use Infill Options - Secondary Apartments) to decrease the minimum lot area from 5,750 square feet (required) to 4,131 square feet (requested) in order to build a new single family residence and second dwelling unit on this lot in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin)

**M-5 C15-2016-0081 Nikelle Meade for Journeyman Austin Holdings
1000 North Lamar Boulevard**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST, PROVIDED THAT ALL PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AUSTIN ENERGY CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. PLEASE CONTINUE TO WORK WITH THOMAS WHITEAKER, SR. DESIGNER FOR AUSTIN ENERGY DISTRIBUTION DESIGN, (512) 505-7526, WHO HAS ADDRESSED THE PROPOSED NEW 3 PHASE SECONDARY RISER, AND OTHER REQUIRED FACILITIES AND EQUIPMENT TO PROVIDE SERVICE AT THE CURRENT SITE. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

The applicant has requested a variance from Section 25-6 Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required off-street loading spaces from 1 space (required) to 0 spaces (requested) in order to erect a 4-story office building (2 stories office space, 2 stories parking) in a “CS-MU-V-CO-NP”, General Commercial Service – Mixed Use – Vertical Mixed Use – Conditional Overlay - Neighborhood Plan zoning district. (Old West Austin)

**M-6 C15-2016-0082 Howard Smith for Daniel Graham
2100 East 14th Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. WHEN YOU OBTAIN A BUILDING PERMIT, IF THE SERVICE DROP IS RECOMMENDED TO BE RELOCATED, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, 512-505-7604, AS SHE WILL PROVIDE YOU DIRECTION TO RELOCATE YOUR NEW SERVICE DROP.

The applicant has requested variance(s) from Section 25-2-774 (C) (5) (a) (Two-Family Residential Use) to increase the maximum size of a second dwelling unit from 1,100 square feet (required/permitted) to 1,356 square feet (requested) in order to add a second dwelling unit behind a new primary home that is a recreation of the original primary home, identical on the

exterior per plans approved by the Historic Land Commission, in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Chestnut)

Note: A variance with a condition that historic zoning be obtained for the primary house was approved 9/8/2014. During remodel/expansion of the existing house, the remaining 2 walls of the house collapsed. Therefore, retaining the historic zoning condition of the variance was no longer possible.

N. BOARD OF ADJUSTMENT NEW BUSINESS

N-1 Discussion of fees charged for Interpretation cases; Potential resolution to Council

N-2 Consistency with application material

N-3 Create a revised checklist

N-4 Annual Internal Review Report

N-5 Review of the draft revised Board Rules; Potential Adoption

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.