



**MEETING MINUTES  
(November 8, 2018)**

The Board of Adjustment convened in a meeting on November 8, 2018, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 6:11 p.m.

**Board Members in Attendance:** Brooke Bailey, William Burkhardt (Chair), Eric Goff, Bryan King, Don Leighton-Burwell, Rahm McDaniel, Veronica Rivera, James Valadez, Michael Von Ohlen; Kelly Blume (Alternate)

**Board Members Absent:** Melissa Hawthorne (Vice Chair) and Christopher Covo

**Board Staff in Attendance:** Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary), Lee Simmons (Board Attorney)

**EXECUTIVE SESSION (No public discussion)**

The Board of Adjustment 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. DISCUSSION AND REQUESTED ACTION ITEMS**

- A-1 Staff requests approval of October 8, 2018 draft minutes  
**Board Member Michael Von Ohlen motion to approve the minutes for October 8, 2018, Board Member Brooke Bailey second on 9-0 (Board Member Veronica Rivera late); APPROVED MINUTES FOR October 8, 2018**
- A-2 Discussion of Austin Energy Report and action on any items posted on this Agenda that staff recommends denying
- A-3 Staff and Applicant requests for postponement and withdraw of items posted on this Agenda  
**Board Member Michael Von Ohlen motion to postpone agenda item O-5 to December 10, 2018 and to withdraw item O-3, Board Member Brooke Bailey**

**second on an 9-0 vote (Board member Veronica Rivera late); APPROVED AS REQUESTED.**

**B. SIGNS NEW PUBLIC HEARINGS**  
**NONE**

**C. SIGNS PREVIOUS POSTPONEMENTS**  
**NONE**

**D. SIGNS RECONSIDERATIONS**  
**NONE**

**E. SIGNS RECONSIDERATION PREVIOUS POSTPONEMENTS**  
**NONE**

**F. INTERPRETATION NEW PUBLIC HEARINGS**  
**NONE**

**G. SPECIAL EXCEPTION NEW PUBLIC HEARINGS**  
**NONE**

**H. VARIANCES NEW PUBLIC HEARINGS**

**H-1 C15-2018-0042 Lotte Vehko for Ben Reid**  
**4214 Avenue B**

The applicant has requested variance(s) to Ordinance 020131-20 Part 8, (Residential District) 10. A. to decrease the minimum setback from a property line facing an avenue, Duval Street or the south side of West 39th St. from 60 feet (required) 33 feet (requested) in order to construct a new detached two car garage with second floor living space in a SF-3-HD-NCCD-NP, Family residence – historic district – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (Hyde Park)

**The public hearing was closed on Board Member Bryan King motion to Postpone to December 10, 2018, Board Member Don Leighton-Burwell second on a 9-0 vote (Board member Veronica Rivera late); POSTPONED TO DECEMBER 10, 2018.**

**H-2 C15-2018-0047 David Cancialosi for Mark Kristen**  
**3201 Westlake Drive**

The applicant has requested a variance(s) from Section 25-2-551 to reduce the Lake Austin Shoreline Setback from 75-feet (required) to 5-feet (proposed) shoreline setback around an existing slough to accommodate a remodel and repair by replacement of the existing single-family residence and accessory structures in the LA – Lake Austin zoning district.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 10, 2018, Board Member Brooke Bailey second on a 10-0 vote; POSTPONED TO December 10, 2018.**

**I. INTERPRETATIONS PREVIOUS POSTPONEMENTS**

**NONE**

**J. INTERPRETATIONS RECONSIDERATIONS**

**NONE**

**K. INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**L. SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS**

**NONE**

**M. SPECIAL EXCEPTIONS RECONSIDERTIONS**

**NONE**

**N. SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**O. VARIANCES PREVIOUS POSTPONEMENTS**

**O-1 C15-2018-0036 Gregg Andrulis for 2713 Hemphill Park, LLC  
2713 Hemphill Park**

The applicant has requested variance(s) to Ordinance 040826-58 (North University Neighborhood Conservation Combining District –Neighborhood Plan) Part 7, (1) to decrease the minimum lot size from 8,000 square (required) to 7,772 square feet (requested) in order to erect a multi-family residence in a “MF-5-NCCD-NP”, Multifamily Residence High Density – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University)

**Note:** There is no conflict between the Land Development Code and the NCCD in regard to MF-5 minimum lot size, both require 8,000 square feet. The lot size above is according to a sealed survey of the property, however the Travis County Appraisal District property detail information describes the property as having 7,763 square feet. The Board typically just approves variances based on a sealed survey when one is available.

**The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions as per letter O01/49, Board Member Rahm McDaniel second on a 9-1 vote (Board member Don Leighton-Burwell nay); GRANTED WITH CONDITIONS AS PER LETTER O01/49.**

**O-2 C15-2018-0037 Kathleen Huff  
3117 Westlake Drive**

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A)(6) to increase the dock height from not more than 30 feet (required, permitted) to 45 feet (requested, top of cupola) in order to complete a boat dock within the “LA” Lake Austin Residence zoning district.

**Note:** The Land Development Code states that a boat dock may not exceed 30 feet in height as measured from the highest point of the structure above the normal pool elevation of the lake.

**The public hearing was closed on Board Member Don Leighton-Burwell motion to Postpone to December 10, 2018, Board Member Bryan King second on a 10-0 vote; POSTPONED TO DECEMBER 10, 2018.**

**O-3 C15-2018-0040 Jeffrey Ragsdale  
4913 Avenue G**

The applicant has requested variance(s) to Ordinance 20120112-086:

A. Part 6, (General Provisions) 9. To provide 23 feet (requested) of maneuverability perpendicular to a parking area including an alley instead of 25 feet (required); and to

B. Part 7, (Residential District) 1. to increase the minimum rear yard setback from 10 feet (required) to 4.5 feet (requested); and to

C. Part 7, (Residential District) 1. b. to increase the maximum height for an accessory structure or secondary dwelling unit from 25 feet from ground level (required, permitted) to 25.5 feet (requested); and to

D. Part 7, (Residential District) 4. to decrease the minimum lot size for a two-family residential use from 7,000 square feet (required) to 6,582 (requested, existing)

in order to complete a second story 483 square foot garage apartment in an “SF-3 – NCCD - NP”, Single-Family Residence –Neighborhood Conservation Combining District-Neighborhood Plan zoning district. (North Hyde Park)

**Note:** Part 7, (Residential District) 8.of this NCCD Ordinance permits the minimum setback from an alley for an accessory building or the rear dwelling unit of a two-family residential use that is not more than 20 feet in height to be 5 feet, however the two-family residential use proposed is 4.5 feet from the rear property line and is 25.5 feet in height as noted in the request(s) above.

**WITHDRAWN REQUESTED BY APPLICANT**

**O-4 C15-2018-0043 Alecia Browner  
3906 Manchaca Road**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum side yard setback from 5 feet (required) to 2.1 feet (requested) along the south property line, and Section 25-2-1062 (C) (Height Limitations and Setbacks for Small Sites) to decrease the minimum side and rear setback from an SF-5 or more restrictive property from 22.0 feet (required) to 5 feet (requested) in order to maintain a recently erected fabric and steel cantilevered shade structure for the parking area of an office building in a “LO-MU”, Limited Office – Mixed Use zoning district. **The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to December 10, 2018, Board Member Brooke Bailey second on a 7-3 vote (Board members Bryan King, Don Leighton-Burwell, James Valadez nay); POSTPONED TO DECEMBER 10, 2018.**

**O-5 C15-2018-0046 Lila Nelson for Frank Chef and Sharon Shuppert  
1800 E. Martin Luther King Jr. Boulevard**

The applicant has requested variance(s) from Article 10, Compatibility Standards Section 25-2-1062 (Height Limitations and Setbacks for Small Sites):

A. (B) (2) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 15 feet (required) to 0 feet (requested); and to

B. (D) (1) to increase the height limitations for a structure that is 50 feet or less from a property on which a use permitted in an (SF-5) or more restrictive zoning district is located from two-stories and 30 feet (required, permitted) to three stories and 30 feet (requested)

in order to erect a medical office and five multifamily residential units in an “LO-MU-V-NP”, Limited Office - Mixed Use – Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

**Note:** the current zoning requires that one of the five multifamily units be designated as affordable.

**POSTPONED TO DECEMBER 10, 2018 REQUESTED BY APPLICANT**

**P. VARIANCE RECONSIDERATIONS  
NONE**

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS  
NONE**

**R. NEW BUSINESS**

**R-1** Working group suggested revisions to Board Rules including presentations, discussion, and potential action  
**DISCUSSED, CONTINUED TO December 10, 2018**

- R-2** October Board activity report  
**DISCUSSED, CONTINUED TO December 10, 2018**
- R-3** Discussion of adopted 2018, 19 BOA fees  
<https://mailchi.mp/austintexas/epmgx64ngh-1515153?e=bc7a948754>  
**DISCUSSED, CONTINUED TO December 10, 2018**
- R-4** Discussion of the BOA application and required information  
<http://austintexas.gov/page/development-assistance-applications#boa>  
<http://www.austintexas.gov/page/development-assistance-applications#boa>  
**DISCUSSED**
- R-5** Discussion of BOA staff case review, notice errors, case back up  
[https://library.municode.com/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25\\_LADE\\_CH25-1GEREPR](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25_LADE_CH25-1GEREPR)  
**DISCUSSED**
- R-6** Discussion of additional elements to potentially add to the BOA DSD webpage and map  
<http://austintexas.gov/department/online-tools>  
  
<http://www.arcgis.com/home/webmap/viewer.html?webmap=15c11c8910ef4221863ae2f2099df2ae&extent=-98.0051,30.1567,-97.4798,30.4149>  
**DISCUSSED, REQUESTED DSD STAFF AT THE December 10, 2018 MEETING TO PRESENT**
- R-7** Discussion of progress DSD has made on the project to post residential plan review administrative memos to DSD website  
**DISCUSSED, REQUESTED DSD STAFF AT THE December 10, 2018 MEETING TO PRESENT**
- R-8** Discussion and possible action to adopt a meeting schedule for the upcoming year 2019.  
**DISCUSSED, CONTINUED TO DECEMBER 10, 2018 WITH AVAILABLE OPTIONS FOR MONDAYS AND WEDNESDAYS.**
- R-9** Announcements  
**NONE**
- R-10** Discussion of future agenda new business items, staff requests and of potential special called meeting and/or workshop requests  
**ADD A DISCUSSION ITEM TO THE AGENDA REGARDING ABILITY TO ADD AN “OPEN COMMUNICATIONS” ITEM TO FUTURE AGENDAS**

**S. ADJOURNMENT 8:36PM**

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 2 days before the meeting date**. *Please call* or email Board Liaison Leane Heldenfels, Development Services, at 512-974-2202/leane.heldenfels@austintexas.gov or Board Secretary Diana Ramirez, Development Services, at 512-974-2241/diana.ramirez@austintexas.gov, for additional information; *TTY users route through Relay Texas at 711*.