



**MEETING MINUTES
(December 10, 2018)**

The Board of Adjustment convened in a meeting on December 10, 2018, 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), Christopher Covo (late in 5:56pm), Eric Goff, Melissa Hawthorne (Vice Chair), Bryan King, Don Leighton-Burwell, Veronica Rivera, James Valadez, Michael Von Ohlen; Martha Gonzalez (Alternate), Ada Corral (Alternate)

Board Members Absent: Rahm McDaniel

Board Staff in Attendance: Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary), Brent Lloyd (Board Attorney)16-2018

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 November 8, 2018 draft minutes
Board Member Brooke Bailey motion to approve the minutes for November 8, 2018, Board Member Bryan King second on 9-0-1 (Board Member Christopher Covo late and Melissa Hawthorne abstained); APPROVED MINUTES FOR November 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 Don Leighton-Burwell motion to withdraw Item H-1 as requested, Board Member Michael Von Ohlen second on an 11-0 vote (Board member Christopher Covo late); APPROVED AS REQUESTED.

B. SIGNS NEW PUBLIC HEARINGS

B-1 C16-2018-0007 Bragg Smith, Phoenix Property Company for Jason Runnels, 26th St & Nueces PO LTD Partnership

The applicant has requested a variance(s) to Section 25-10-133 (University Neighborhood Overlay Zoning) (F) to allow 2 electrified/LED backlit projecting wall signs to be affixed to the subject building above the second floor (requested) rather than be non-electric and engraved, cut into the building surface or otherwise inlaid to become part of the building when located above the second floor (required) in a “CS-NP”, General Commercial Services - Neighborhood Plan, Community Commercial - Neighborhood Plan and “MF-4-NP”, Multifamily residence moderate-high density - Neighborhood Plan, zoning district. (University Neighborhood Overlay, Inner)

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Veronica Rivera second on a 6-5 vote (Board members Brooke Bailey, William Burkhardt, Bryan King, Don Leighton-Burwell, James Valadez nay); GRANTED.

B-2 C16-2018-0008 Jason Thumlert for Capital Metropolitan Transit Authority 901 East 5th Street

The applicant has requested a variance(s) to Section 25-10-133 (University Neighborhood Overlay Zoning):

A. (C) to exceed 100 square feet of sign area (required/permitted) with 150 square feet of sign area for 3 signs (requested); and to

B. (F) to allow an electrified wall sign to be affixed to the subject building above the second floor (requested) rather than providing a non-electric and engraved, cut into the building surface or otherwise inlaid to become part of the building when located above the second floor (required)

in order to provide signage for a mixed use building in a “TOD-CURE-NP”, Transit Oriented District/Plaza Saltillo – Central Urban Redevelopment - Neighborhood Plan zoning district. (East Cesar Chavez)

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Eric Goff second on a 9-1-2 vote (Board members Board members Bryan King nay and Christopher Covo, Melissa Hawthorne recused); GRANTED.

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 C15-2018-0048 Jerry Perales for Tuan Minh Bui
11902 Hornsby Street**

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 35 feet (requested) in order to re-subdivide the lot to create two single family home spaces and add one more additional dwelling unit for a total of two plus a primary home in an “SF-1”, Family Residence zoning district.

*Note: the Land Development Code requires that lot width be measured at both the 25 foot front setback and then again at a point another 50 feet back or 75 feet from front property line.

WITHDRAWN BY APPLICANT

**H-2 C15-2018-0050 Alex Finnell
2003 Tillostson Avenue**

The applicant has requested variance(s) to Section 25-2-774 (Two-Family Residential Use) (B) to decrease the minimum lot size from 5,750 square feet (required) to 5,382 square feet (requested) in order to permit a second dwelling unit to be added to this existing lot in an “SF3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin)

The public hearing was closed on Board Member Bryan King motion to Postpone to January 14, 2019, Board Member Don Leighton-Burwell second on an 11-0 vote; POSTPONED TO January 14, 2019. (RE-NOTICE)

**H-3 C15-2018-0051 Terry Roth for John Savage, Mount Bonnell Shores
Colorado Crossing
4704 Colorado Crossing**

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A) (1) to increase the dock length 30 feet (required) to 39.4 feet (requested, existing) in order to reconstruct a neighborhood association day boat and swim dock in an “LA” Lake Austin Residence zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Michael Von Ohlen second on an 11-0 vote; GRANTED.

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 C15-2018-0037 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 Eric Goff motion to Grant, Board Member Christopher Covo second on a 9-2 vote (Board members Bryan King and James Valadez nay); GRANTED.

O-2 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 Michael Von Ohlen motion to Grant with conditions based on the drawings provided at the meeting, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED WITH CONDITIONS BASED ON THE DRAWINGS PROVIDED AT THE MEETING.

**O-3 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 Grant with conditions to get correct paint and signs for accessible ADA parking space, Board Member Martha Gonzalez second on a 7-4 vote (Board members Brooke Bailey, William Burkhardt, Bryan King and Don Leighton-Burwell nay); DENIED.

**O-4 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.

The public hearing was closed on Board Member Eric Goff motion to Postpone to January 14, 2019, Board Member Melissa Hawthorne second on an 11-0 vote; POSTPONED TO January 14, 2019.

**O-5 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 Don Leighton-Burwell motion to Grant with conditions as per exhibit provided at meeting, Board Member Veronica Rivera second on a 11-0 vote; GRANTED WITH CONDITIONS AS PER EXHIBIT (MODIFIED LA SETBACK 25-AND 75-FEET SETBACK) PROVIDED AT MEETING.

P. VARIANCE RECONSIDERATIONS

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

The appellant, North University Neighborhood Association, asks the Board of Adjustment to reconsider the applicant’s request 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/different between the Land Development Code and the NCCD in regard to MF-5 minimum lot size, both require 8,000 square feet.

Board Member Melissa Hawthorne motion to reconsider the request, Board Member Bryan King second on a 9-2 vote (Board members Christopher Cover and Eric Goff abstained); REQUEST RECONSIDERED. The public hearing was closed on Board Member Bryan King motion to Grant with conditions as per letter P-1/1 and same findings from November 8, 2018 meeting, Board Member Veronica Rivera second on a 11-0 vote; GRANTED WITH CONDITIONS AS PER LETTER P-1/1 AND SAME FINDINGS FROM November 8, 2018 MEETING.

Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE

R. NEW BUSINESS

- R-1** Working group suggested revisions to Board Rules including discussion, Legal staff comment, and potential action
POSTPONED TO January 14, 2019
- R-2** November Board activity report
DISCUSSED, CONTINUED TO January 14, 2019
- R-3** Discussion of adopted 2018, 19 BOA fees
<https://mailchi.mp/austintexas/epmgx64ngh-1515153?e=bc7a948754>
DISCUSSED, POSTPONED TO January 14, 2019
(WORKING GROUP: Michael Von Ohlen, Christopher Covo, Rahm McDaniel, Eric Goff)
- 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, POSTPONED TO JANUARY 14, 2019
(WORKING GROUP: Bryan King and Leane Heldenfels)
- 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
DISCUSSED, 2019 COUNCIL COVERSHEET TO BE ADDED TO CASES
- 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, POSTPONED TO January 14, 2019 (Presentation of status by DSD staff requested)
- R-7** Discussion of progress DSD has made on the project to post residential plan review administrative memos to DSD website
DISCUSSED, POSTPONED TO January 14, 2019 (Presentation of status by DSD staff requested)
- R-8** Discussion and possible action to approve a meeting schedule for the upcoming year 2019.

Board Member Brooke Bailey motion to Approve meeting dates for January and February (2nd Mondays of the month) and March-December (2nd Wednesdays of the month with the exception of September -2nd Monday of the month due to Budget meeting), Board Member Bryan King second on a 9-2 vote (Board members Christopher Cover and Eric Goff abstained); APPROVED MEETING DATES FOR January AND February (2ND MONDAY OF THE MONTH) AND March – December (2nd Wednesdays of the month with the exception of September -2nd Monday of the month due to Budget meeting).

R-9 Discussion item regarding ability to add an “Citizens Communications” item to future agendas
DISCUSSED, STAFF WILL INCLUDE “CITIZENS COMMUNICATIONS” TO FUTURE AGENDAS

R-10 Announcements – New Alternate member: Ada Corral

R-11 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

S. ADJOURNMENT 9:53 PM

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*.