



**MEETING MINUTES
(January 14, 2019)**

The Board of Adjustment convened in a meeting on January 14, 2019, City Council Chambers, 301 West 2nd 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), Christopher Covo, Eric Goff, Melissa Hawthorne (Vice Chair), Bryan King, Don Leighton-Burwell, Rahm McDaniel, Veronica Rivera, James Valadez, Kelly Blume (Alternate)

Board Members Absent: Michael Von Ohlen

Board Staff in Attendance: Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary), Brent Lloyd (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. CITIZEN COMMUNICATION

The first four (4) speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding **items not posted on the agenda.**

B. DISCUSSION AND REQUESTED ACTION ITEMS

- B-1** Staff requests approval of December 10, 2018 draft minutes
Board Member Brooke Bailey motion to approve the minutes for December 10, 2018, Board Member Melissa Hawthorne second, with no objections; APPROVED MINUTES FOR December 10, 2018.

- B-2** Discussion of Austin Energy Report and action on any items posted on this Agenda that staff recommends denying
- B-3** Staff and Applicant requests for postponement and withdraw of items posted on this Agenda
No postponements/withdrawals

C. SIGNS NEW PUBLIC HEARINGS
NONE

D. SIGNS PREVIOUS POSTPONEMENTS
NONE

E. SIGNS RECONSIDERATIONS
NONE

F. SIGNS RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE

G. INTERPRETATION NEW PUBLIC HEARINGS
NONE

H. SPECIAL EXCEPTION NEW PUBLIC HEARINGS
NONE

I. VARIANCES NEW PUBLIC HEARINGS

I-1 C15-2019-0001 Susan Hays
902 Herndon Lane

The applicant has requested variance(s) to:

A. Section 25-2-492 (D) to decrease the minimum rear setback from 10 feet (required) to 5 feet (requested, existing); and to

B. Section 25-2-774 (Two-Family Residential Use) (C) (2) to decrease the distance a second dwelling unit must be located from at least 10 feet to the rear or side of the principal structure (required) to 5 feet (requested)

in order to reconstruct a garage with a second dwelling unit above in an "SF-3", Family Residence zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant, Board Member Christopher Covo second on an 11-0 vote; GRANTED REAR SETBACK TO 9'6".

I-2 C15-2019-0002 David Cancialosi for Frankie and Gary Furman

1119 Mission Ridge

The applicant has requested variance(s) to Section 25-2-492 (D) to decrease the minimum front yard setback from 25 feet (required) to 22.7 feet (requested, existing) in order to modify and maintain the current structure in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

Note: the recent re-subdivision of the property changed the former street side yard setback of the home to now become the front yard setback of the home as defined in the Land Development Code.

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

**I-3 C15-2019-0003 David Cancialosi for Travis Machen
3005 Westlake Drive**

The applicant has requested variance(s) to Section 25-2-551 to reduce the Lake Austin Shoreline Setback from 75-feet (required) to 25-feet (proposed) shoreline setback around an existing man-made cove to erect a single family residence and accessory structures in the LA – Lake Austin zoning district.

The public hearing was closed on Board Member Bryan King motion to Grant with conditions as per drawing Option #2 and no structure spanning the inlet access point, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED WITH CONDITIONS AS PER DRAWING OPTION #2 AND NO STRUCTURE SPANNING THE INLET ACCESS POINT.

- J. INTERPRETATIONS PREVIOUS POSTPONEMENTS
NONE**
- K. INTERPRETATIONS RECONSIDERATIONS
NONE**
- L. INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**
- M. SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS
NONE**
- N. SPECIAL EXCEPTIONS RECONSIDERTIONS
NONE**
- O. SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**
- P. VARIANCES PREVIOUS POSTPONEMENTS**

**P-1 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 5 feet (requested) for the building and 0 feet (requested) for the proposed at-grade parking, landscaping, solid fence; 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 33 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, further it would otherwise permit 40’ height with 0’ setback if these compatibility standards did not also have to be met.

The public hearing was closed on Board Member Melissa Hawthorne motion to Grant with conditions no balconies and no roof top terraces, Board Member Veronica Rivera second on an 8-3 vote (Board members Bryan King, Don Leighton-Burwell, James Valadez nay); MOTION FAILS DUE TO LACK OF VOTES, VARIANCE REQUEST DENIED.

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

The applicant has requested variance(s) to:

A. 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); and to

B. Section 25-2-774 (Two-Family Residential Use) (C) (5) (a) to increase the floor-to-area ratio of the second dwelling unit from 0.15 (required, permitted) to 0.18 (requested); and to

C. Subchapter F. – Residential Design and Compatibility Standards, Section 2.7.1 Development Standards (Side Wall Articulation) to increase the unbroken length of sidewall from 36 feet (required, maximum permitted) to 39.5 feet (requested)

in order to permit a second dwelling unit with an internal staircase 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 Grant with condition .4 FAR for combined site both structures, Board Member Melissa Hawthorne second on a 11-0 vote; GRANTED WITH CONDITION .4 FAR FOR COMBINED SITE BOTH STRUCTURES.

Q. VARIANCE RECONSIDERATIONS

**Q-1 C15-2018-0043 Alecia Browner
3906 Manchaca Road**

The applicant has requested variance(s) from:

A. 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 to

B. 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 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.

Board Member Melissa Hawthorne motion to Reconsider the request, Board Member Rahm McDaniel second on a 5-6 vote (Board members Brooke Bailey, William Burkhardt, Bryan King, Don Leighton-Burwell, James Valadez and Kelly Blume nay); MOTION FAILS DUE TO LACK OF VOTES, RECONSIDERATION REQUEST DENIED.

**Q-2 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.

Board Member Bryan King motion to Deny reconsideration request, Board Member Brooke Bailey second on a 8-3 vote (Board members Christopher Cove, Melissa Hawthorne and Veronica Rivera nay); DENIED RECONSIDERATION REQUEST.

R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE

S. NEW BUSINESS

- S-1** Working group suggested revisions to Board Rules including discussion, Legal staff comment, and potential action
DISCUSSED, POSTPONED TO February 11, 2019
- S-2** December 10, 2018 Board activity report
DISCUSSED; CONTINUED TO FEBRUARY 11, 2019
- S-3** Discussion of adopted 2018, 19 BOA fees
(WORKING GROUP: Michael Von Ohlen, Christopher Covo, Rahm McDaniel, Eric Goff)
<https://mailchi.mp/austintexas/epmgx64ngh-1515153?e=bc7a948754>
POSTPONED TO February 11, 2019
- S-4** Discussion of the BOA application and required information
(WORKING GROUP: Bryan King)
<http://austintexas.gov/page/development-assistance-applications#boa>
<http://www.austintexas.gov/page/development-assistance-applications#boa>
POSTPONED TO February 11, 2019
- S-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
25-1-212 (REPORT), see case coversheet for new 2019 cases
POSTPONED TO February 11, 2019
- S-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>
POSTPONED TO February 11, 2019
- S-7** Discussion of progress DSD has made on the project to post residential plan review administrative memos to DSD website
POSTPONED TO February 11, 2019
- S-8** Discussion and possible action to approve a meeting schedule for the upcoming year 2019 for 2nd Mondays except for November 1st Thursday the 7th.
POSTPONED TO February 11, 2019

S-9 Announcements

S-10 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

T. ADJOURNMENT 8:56pm

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*.