



MEETING MINUTES (February 11, 2019)

The Board of Adjustment convened in a meeting on February 11, 2019, 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), Eric Goff, Melissa Hawthorne (Vice Chair), Bryan King, Don Leighton-Burwell, Veronica Rivera, James Valadez, Michael Von Ohlen, Kelly Blume (Alternate) and Ada Corral (Alternate)

Board Members Absent: Christopher Covo and Rahm McDaniel

Board Staff in Attendance: Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary), Erika Lopez (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 January 14, 2019 draft minutes
**Board Member Brooke Bailey motion to approve the minutes for January 14, 2019, Board Member Melissa Hawthorne second, with no objections;
APPROVED MINUTES FOR January 14, 2019.**

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

Board Member Bryan King motion to postpone Item I-6 to March 11, 2019 as requested by applicant, Board Member Brooke Bailey second on a 10-0 vote; APPROVED POSTPONEMENT AS REQUESTED.

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 C15-2019-0004 Thomas Conyers for Douglas E. Oldmixon
1604 Juliet Street**

The applicant has requested variance(s) to Section 25-2-492 (D) to decrease the minimum rear setback from 10 feet (required) to 5 feet (requested) in order to erect a garage with a second dwelling unit above in an "SF-3", Family Residence zoning district.

The public hearing was closed on Board Member Eric Goff motion to postpone to March 11, 2019, Board Member Brooke Bailey second on a 10-0 vote; POSTPONED TO MARCH 11, 2019.

**I-2 C15-2019-0005 Joshua Inscoe for Andrew Milam
7309 Bennett Avenue**

The applicant has requested variance(s) to Section 25-2-774 (Two-Family Residential Use) (C) (2) to allow a second dwelling unit that should be located to the rear or side of the principal structure (required) to instead be located to the front of the principal

The applicant has requested a variance from Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Subsection 2.1 (Maximum Development Permitted) to increase the maximum floor to area ratio from 0.4 to 1.0 (required, permitted) to 0.42 to 1.0 (requested) in order to permit a 177 square foot interior space conversion of attic to game room in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

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-5 C15-2019-0008 David Cancialosi for Quincy Lee
1515 Manana Street**

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 44 feet (requested, existing) in order to reconstruct an existing 50 foot long boat dock in an “LA” Lake Austin Residence zoning district.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Melissa Hawthorne second on an 8-3 vote (Board Members Brooke Bailey, Bryan King, James Valadez nay); DENIED.

**I-6 C15-2019-0009 Leah M. Bojo for Halil Berberoglu
608 Elmwood Place**

The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot area from 8,000 square feet (required) to 6,929 square feet (requested/existing); and to
- B. decrease the minimum lot width from 50 feet (required) to 48.53 feet (requested); and to
- C. decrease the side street setback from 15 feet (required) to 0 feet (requested, 5.6’ existing); and from
- D. Section 25-2-563 (Multifamily Residential Use) (B) to decrease the minimum site area from 7,800 square feet (required) to 6,929 square feet (requested)

in order to erect a 7 unit multifamily structure with three one-bedroom and four two-bedroom units in a “MF-4-NP” Multifamily Residence Moderate-High Density - Neighborhood Plan zoning district. (Hancock)

POSTPONED TO MARCH 11, 2019 BY APPLICANT

**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

NONE

Q. VARIANCE RECONSIDERATIONS

**Q-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:

A. Section 492 (D) to increase the impervious cover from 70% (required/permited) to 80% (requested); and to

B. Section 25-2-1062 (Height Limitations and Setbacks for Small Sites) (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

C. Section 25-2-1062 (Height Limitations and Setbacks for Small Sites) (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)

D. Section 25-2-1064 (Front Setback) to decrease the front building line setback from a right of way if the tract on which the building is constructed adjoins (SF-5) or more restrictive zoning from 25 feet (required) to 0 feet (requested)

in order to erect a vertical mixed use building composed of medical office and multifamily residential uses in an "LO-MU-V-NP", Limited Office - Mixed Use – Vertical Mixed Use - Neighborhood Plan zoning district. (Upper Boggy Creek)

Board Member Bryan King motion to reconsider the request, Board Member Melissa Hawthorne second on an 11-0 vote; RECONSIDERED REQUEST; Board Member Michael Von Ohlen motion to postpone to March 11, 2019 at request of applicant, Board Member Melissa Hawthorne second on an 11-0 vote; POSTPONED TO MARCH 11, 2019.

**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; Board member Don Leighton-Burwell motion to approve working group rules with condition that a resolution regarding the appeal process be forwarded to Council, Board member Bryan King second on a 6-5 vote (Board members Eric Goff, Melissa Hawthorne, Veronica Rivera, Kelly Blume and Ada Corral nay).
- S-2** Discussion of the January 14, 2019 Board activity report
DISCUSSED; CONTINUED TO MARCH 11, 2019
- S-3** Discussion and possible action 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>
DISCUSSED; Board member Bryan King motion to approve the Resolution of BOA fees as presented with noted edits, Board member Michael Von Ohlen second on an 11-0 vote.
- S-4** Discussion and possible action 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 MARCH 11, 2019
- S-5** Discussion and possible action 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 MARCH 11, 2019**
- S-6** Discussion and possible action 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 MARCH 11, 2019; Presentation of status by DSD staff requested)

S-7 Discussion and possible action of progress DSD has made on the project to post residential plan review administrative memos to DSD website
POSTPONED TO MARCH 11, 2019; Presentation of status by Brent Lloyd requested)

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.
Board member Brooke Bailey motion to approve meeting date for March 11, 2019 and to postpone meeting dates April – December to March 11, 2019, Board member Eric Goff second on a 10-0 vote.

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 7:56 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.*