



MEETING MINUTES (March 11, 2019)

The Board of Adjustment convened in a meeting on March 11, 2019, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:37 p.m.

Board Members in Attendance: Ada Corral, 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 Martha Gonzalez (Alternate)

Board Members Absent: Rahm McDaniel

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. 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 February 11, 2019 draft minutes
Board Member Bryan King motion to approve the minutes for February 11, 2019, Board Member Don Leighton-Burwell second, with no objections; APPROVED MINUTES FOR February 11, 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 Michael Von Ohlen motion to postpone Item I-5 to April 8, 2019 and to withdraw Item P-1 as requested by the applicant, Board Member Bryan King second on a 10-0 vote (Board member Ada Corral late); APPROVED POSTPONEMENT/WITHDRAWAL 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 C15-2019-0010 Janis J. Smith for Eduardo Margain
3009 Westlake Drive**

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 62 feet (requested) in order to replace a 70 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 11-0 vote; GRANTED.

**I-2 C15-2019-0011 Hector Avila for Jeremy Anderson
1504 East Lane**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 15

feet(requested) in order to erect a single family home in a “SF-2” Family Residence zoning district.

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

**I-3 C15-2019-0012 Josh Westheimer
1802 Cloverleaf Drive**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 10.2 feet (requested) in order to maintain a carport in a “SF-3-NP” Family Residence zoning district. (Windsor Park)

The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Don Leighton-Burwell second on a 6-5 vote (Board members Ada Corral, Eric Goff, Melissa Hawthorne, Martha Gonzalez, Veronica Rivera nay); DENIED.

**I-4 C15-2019-0013 Dave Anderson for North Central Catholic School
9400 Neenah Avenue**

The applicant has requested a variance from 25-2-Subchapter E (Design Standards and Mixed Use), Section 2.3. (Connectivity Between Sites) 1. (Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity) B. (Standards) 1. (Vehicular and Pedestrian Connections Between Sites)

A. a. to not provide either private drive or public street connections to existing private drives or public streets on adjacent sites or stub-outs if connections are not feasible; and to

B. b. where a public street is adjacent to the property line, to not provide direct pedestrian and bicycle access from that street to a customer entrance

in order to amend the connectivity portion of the site plan at this address in a GO-CO (General Office – Conditional Overlay) zoning district.

The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to April 8, 2019, Board Member Michael Von Ohlen second on a 6-5 vote (Board members William Burkhardt, Eric Goff, Bryan King, Veronica Rivera, James Valadez nay); POSTPONED TO APRIL 8, 2019.

**I-5 C15-2019-0014 Tracey Merino for Granada Lane, LLC
411, 601 E Powell Lane and 410,500,502,504,508,602,
And 610 Wonsley**

The applicant has requested variance(s) from Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*)

A.. (B) to decrease the required setback from a property on which a use permitted in SF-5 or more restrictive zoning district is located from 25 feet (required) to 15 feet (requested); and to

B. (C) 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 31 feet (requested)

in order to erect a multifamily residential use in an “MF-4-NP”, Multifamily Residence Moderate-High Density - Neighborhood Plan zoning district. (Georgian Acres)

POSTPONED TO APRIL 8, 2019 BY APPLICANT (RENOTICE)

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 C15-2019-0004 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.

WITHDRAWN BY APPLICANT

**P-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 structure (requested) in order to erect a new primary dwelling unit behind the existing dwelling unit “SF-3-NP”, Family Residence zoning district. (St. John)

Note: the existing dwelling unit size is below the 1,100 square foot maximum size permitted for an additional dwelling unit on this lot.

The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Martha Gonzalez second on a 6-5 vote (Board members Ada Corral, William Burkhardt, Bryan King, Don Leighton-Burwell, James Valadez nay); DENIED.

**P-3 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)

The public hearing was closed on Board Member Veronica Rivera motion to postpone to April 8, 2019, Board Member Eric Goff second on an 11-0 vote; POSTPONED TO APRIL 8, 2019.

Q. VARIANCE RECONSIDERATIONS

**Q-1 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.

Board Member Melissa Hawthorne motion to reconsider request, Board Member Michael Von Ohlen second on an 11-0 vote; RECONSIDERATION REQUEST

GRANTED; The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition not to exceed more than 20x44, Board Member Veronica Rivera second on an 11-0 vote; GRANTED WITH CONDITIONS NOT TO EXCEED MORE THAN 20X44.

R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS

**R-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/permitted) 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 40 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)

The public hearing was closed on Board Member Bryan King motion to Grant Option B, with height limitations to two-story and 33 feet, and front setback to 15 feet, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED OPTION B, WITH HEIGHT LIMITATIONS TO TWO-STORY AND 33 FEET, AND FRONT SETBACK TO 15 FEET.

S. NEW BUSINESS

**S-1 Discussion and possible action regarding Board Rules Resolution to City Council
POSTPONED TO APRIL 8, 2019**

**S-2 Discussion of the February 11, 2019 Board activity report
DISCUSSED, CONTINUED TO APRIL 8, 2019**

- S-3** Discussion and possible action of adopted 2018, 19 BOA fees
(WORKING GROUP: Michael Von Ohlen, Rahm McDaniel, Eric Goff)
<https://mailchi.mp/austintexas/epmgx64ngh-1515153?e=bc7a948754>
DISCUSSED, CONTINUED TO APRIL 8, 2019
- 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>
DISCUSSED
- 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
DISCUSSED, CONTINUED TO APRIL 8, 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>
DISCUSSED, CONTINUED TO APRIL 8, 2019
- S-7** Discussion and possible action of progress DSD has made on the project to post residential plan review administrative memos to DSD website
DISCUSSED, CONTINUED TO APRIL 8, 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.
Board Member Veronica Rivera motion to Approve BOA 2019 schedule for the 2nd Monday of each month, April through December with the exception of November meeting the 11th due to Monday- holiday, Veteran's Day, Board Member an King second on an 11-0 vote.
- S-9** Discussion of the Environmental Board Presentation October 2015
TRAINING AFTER ALL MEMBERS ARE ABLE TO SERVE
- S-10** Announcements
- S-11** Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

T. ADJOURNMENT 9:25PM

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*.