



## MEETING MINUTES

April 8, 2019

The Board of Adjustment convened in a meeting on April 8, 2019, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:35 p.m.

**Board Members in Attendance:** Ada Corral, William Burkhardt (Chair), Eric Goff, Melissa Hawthorne (Vice Chair), Don Leighton-Burwell, Darryl Pruett, Veronica Rivera, Yasmine Smith, James Valadez, Michael Von Ohlen, Martha Gonzalez (Alternate)

**Board Members Absent:** Rahm McDaniel

**Board Staff in Attendance:** Leane Heldenfels (Board Liaison) and Diana Ramirez (Board Secretary), Erica Lopez (Board Attorney) and Jerry Rusthoven (City Staff)

### 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 March 11, 2019 draft minutes  
**Board Member Melissa Hawthorne motion to approve the minutes for March 11, 2019, Board Member Michael Von Ohlen second, with no objections; APPROVED MINUTES FOR March 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 Melissa Hawthorne motion to postpone Item P-2 to May 13, 2019 and to withdraw Item P-1 as requested by the applicant, Item G-1 was pulled from the postponement request, Board Member Veronica Rivera second on a 11-0 vote; APPROVED POSTPONEMENT/ WITHDRAWAL FOR ITEMS P-1 AND P-2 AS REQUESTED AND BOARD MEMBER MELISSA HAWTHORNE MOTION TO HEAR ITEM G-1, BOARD MEMBER MICHAEL VON OHLEN SECOND ON A 10-1 VOTE (BOARD MEMBER ERIC GOFF NAY), BOARD WILL HEAR ITEM G-1.**

**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**

**G-1 C15-2019-0018 Ronald Sawey  
2311 Shoal Creek Boulevard**

The applicant has filed an appeal challenging the Land Use Determination of 2311 Shoal Creek Blvd. as a single family residence use in a "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West University)

The applicant maintains that the use is either club/lodge or group residential.

**Board Member Eric Goff motion to Postpone to May 13, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO MAY 13, 2019.**

**H. SPECIAL EXCEPTION NEW PUBLIC HEARINGS**

**NONE**

**I. VARIANCES NEW PUBLIC HEARINGS**

**I-1 C15-2019-0015 Michael Kane for Vanessa Tate  
910 Berrywood 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 20 (requested) in order to reconstruct a carport in a “SF-2” Family Residence zoning district.

**The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant with conditions that the carport remain open on 3 sides and protect the tree, Board Member Melissa Hawthorne second on an 11-0 vote; GRANTED WITH CONDITONS THAT THE CARPORT REMAIN OPEN ON 3 SIDES AND PROTECT THE TREE.**

**I-2 C15-2019-0016 Jim Wittliff for Alvin Momin  
13414 Harrisglenn Drive**

The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a “GR” Community Commercial zoning district.

**The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant, Board Member Veronica Rivera second on an 8-3 vote (Board members Darryl Pruett, Eric Goff and Yasmine Smith nay); DENIED DUE TO LACK OF VOTES.**

**I-3 C15-2019-0017 Elizabeth Carey  
1301 S 5<sup>th</sup> Street**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the minimum lot area from 5,750 square feet (required) to 3,150.44 square feet (requested, existing); and to
- B. decrease the minimum lot width from 50 feet (required) to 46.33 feet (requested, existing); and to
- C. decrease the front setback from 25 feet (required) to 20.3feet (requested, existing); and to
- D. decrease the rear setback from 10 feet (required) to 9.3 feet (requested, existing)
- E. decrease the side street setback from 15 feet (required) to 13.3 feet (requested, existing)

in order to convert the current garage/storage space into living space in a “SF-3-NP”, Family Residence zoning district. (Bouldin)

**The public hearing was closed by Chair William Burkhardt, Board Member Melissa Hawthorne motion to Grant with condition to limit to .4 FAR, Board Member Don Leighton-Burwell second on a 10-0 vote; GRANTED WITH CONDITION TO LIMIT TO .4 FAR.**

**I-4 C15-2019-0019 Jim Wittliff for Alvin Momin  
12401 Tech Ridge Boulevard**

The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a “GR” Community Commercial zoning district.

**The public hearing was closed by Chair William Burkhardt, Board Member Melissa Hawthorne motion to postpone to May 13, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO MAY 13, 2019.**

**I-5 C15-2019-0020 Jarrod E. Cunningham  
3804 Counselor Drive**

The applicant has requested a variance(s) from Section 25-2-899 (D) (Fences as Accessory Uses) to increase the fence height permitted from an average of 6 feet, maximum of 7 feet (required/permitted) to 8 feet (requested) in order to replace an existing solid privacy fence in an “SF-2” Family Residence zoning district.

**The public hearing was closed by Chair William Burkhardt, Board Member Don Leighton-Burwell motion to postpone to May 13, 2019, Board Member Darryl Pruett second on a 10-0 vote; POSTPONED TO MAY 13, 2019.**

**I-6 C15-2019-0021 Sandra Wilson  
3004 Bonnie Road**

The applicant has requested a variance(s) from Section 25-2-899 (D) and (E) (Fences as Accessory Uses) to increase the fence height permitted from an average of 6 feet, maximum height of 7 feet (required, up to 8 feet permitted with adjacent signatures) to 8 (requested) in order to maintain a recently constructed fence on a corner lot with swimming pool in an “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin)

**The public hearing was closed by Chair William Burkhardt, Board Member Don Leighton-Burwell motion to postpone to May 13, 2019, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO MAY 13, 2019.**

**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 C15-2019-0009 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)

**WITHDRAWN BY APPLICANT**

**P-2 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.

**POSTPONED TO MAY 13, 2019 BY APPLICANT**

**P-3 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 30feet (required, permitted) to three stories and 38.9 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)

**The public hearing was closed by Chair William Burkhardt, Board Member Martha Gonzalez motion to Grant with conditions that the affordable units as indicated are provided, use of the path on the west side is provided and preservation of the heritage trees is provided, Board Member Melissa Hawthorne second on a 10-0 vote; GRANTED WITH CONDITIONS THAT THE AFFORDABLE UNITS AS INDICATED ARE PROVIDED, USE OF THE PATH ON THE WEST SIDE IS PROVIDED AND PRESERVATION OF THE HERITAGE TREES IS PROVIDED.**

#### **Q. VARIANCE RECONSIDERATIONS**

**Q-1 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)

**Board Member Eric Goff motion to Reconsider request, Board Member Don Leighton-Burwell second on an 9-2 vote (Board member William Burkhardt and Darryl Pruett nay); GRANTED THE RECONSIDERATION REQUEST.  
The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant the variance request, Board Member Eric Goff**

**second on a 9-2 vote (Board member Darryl Pruett and Don Leighton-Burwell nay); GRANTED.**

**R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS  
NONE**

**S. NEW BUSINESS**

**S-1 Discussion and possible action regarding Board Rules Resolution to City Council  
CONTINUED TO MAY 13, 2019**

**S-2 Discussion of the March 11, 2019 Board activity report  
CONTINUED TO MAY 13, 2019**

**S-3 Discussion and possible action of adopted 2018, 19 BOA fees  
(WORKING GROUP: Michael Von Ohlen, Rahm McDaniel, Eric Goff)s  
<https://mailchi.mp/austintexas/epmgx64ngh-1515153?e=bc7a948754>  
**Board Member Melissa Hawthorne motions to move forward with the revised resolution of the BOA fees to Council, Veronica Rivera second on an 11-0.****

**S-4 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](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  
CONTINUED TO MAY 13, 2019; REQUESTING PRESENTATION BY DSD STAFF****

**S-5 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>  
**CONTINUED TO MAY 13, 2019; REQUESTING PRESENTATION BY DSD STAFF****

**S-6 Discussion and possible action of progress DSD has made on the project to post residential plan review administrative memos to DSD website  
**CONTINUED TO MAY 13, 2019; REQUESTING PRESENTATION BY DSD STAFF****

**S-7 Discussion and possible action of Election of officers  
**Board Member Michael Von Ohlen motions to maintain William Burkhardt as Chair and Melissa Hawthorne as Vice-Chair, James Valadez second on an****

**11-0; APPROVED WILLIAM BURKHARDT AS CHAIR AND MELISSA HAWTHORNE AS VICE-CHAIR.**

**S-8** Announcements

**Leane Heldenfels last BOA meeting**

**S-9** Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

**T. ADJOURNMENT 9:51 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.*