



## MEETING MINUTES May 13, 2019

The Board of Adjustment convened in a meeting on May 13, 2019, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:32 p.m.

**Board Members in Attendance:** Jessica Cohen, Ada Corral, William Burkhardt (Chair), Eric Goff, Melissa Hawthorne (Vice Chair), Don Leighton-Burwell, Rahm McDaniel, Darryl Pruett, Veronica Rivera, Yasmine Smith, Michael Von Ohlen

**Board Staff in Attendance:** Elaine Ramirez (Board Liaison) and Diana Ramirez (Board Secretary), Mitzi Cotton (Board Attorney) and Jerry Rusthoven and Liz Johnston (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 April 8, 2019 draft minutes  
**Board Member Melissa Hawthorne motion to approve the minutes for April 8, 2019, Board Member Michael Von Ohlen second, with no objections; APPROVED MINUTES FOR April 8, 2019.**

**B-2** Staff and Applicant requests for postponement and withdraw of items posted on this Agenda

**Board Member Michael Von Ohen motion to Grant applicant's request to withdraw Item P-4, Board Member Melissa Hawthorne second, with no objections; GRANTED APPLICANT'S REQUEST TO WITHDRAW ITEM P-4.**

**C. SIGNS NEW PUBLIC HEARINGS**

**C-1 C16-2019-0001 Ann Lewis/Rodney Bennett for Steven Spratt  
1201 West 38<sup>th</sup> Street**

The applicant has requested a variance (s) to:

A. Section 25-10-131 (D) (Additional Freestanding Signs Permitted) to increase the total number of freestanding signs from 2 (required, permitted) to 4 (requested, 1 to be replaced 3 existing to remain); and to

B. Section 25-10-191 (Sign Setback Requirements) (E) to decrease the feet a sign with a support of more than 36 inches in diameter must be set back from street right of way from 12 feet (required) to 6 feet (requested, existing)

in order to replace one existing freestanding sign at this site in the Commercial Sign District within a "PUD", Planned Unit Development zoning district.

**The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant only Item A to 3 free-standing signs and Item B withdrawn, Board Member Rahm McDaniel second on an 10-1 vote (Board member Melissa Hawthorne recused); GRANTED ONLY ITEM A TO 3 FREE-STANDING SIGNS AND ITEM B WITHDRAWN.**

**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 C15-2019-0022 Jason Asbury for Travis County**

## 5501 Airport Boulevard

The applicant has requested variance(s) to Section 25-2-492 (D) (*Site Development Regulations*) to Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 360 spaces (required) to 339 spaces (requested, 271 spaces existing) in order to add 6,000 square feet office space for 240 employees in a “CS-V-CO-NP”, General Commercial Services – Vertical Mixed Use building – Conditional Overlay – Neighborhood Plan zoning district. (North Loop)

**The public hearing was closed by Chair William Burkhardt, Board Member Eric Goff motion to Postpone to June 10, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; POSPTONED TO JUNE 10, 2019.**

**I-2      C15-2019-0025            Jeffrey Howard for Rebecca Davis  
2404 Sweetbrush Drive**

The applicant has requested variance(s) to Section 25-2-515 (Rear Yard of Through Lot) to decrease the through lot rear yard from 25 feet (required) to 10 feet (requested) in order to erect a single family home in a “SF-3-NP”, Family Residence zoning district. (West Austin Neighborhood Group)

**The public hearing was closed by Chair William Burkhardt, Board Member Veronica Rivera motion to Postpone to July 8, 2019, Board Member Melissa Hawthorne second on an 6-5 vote (Board members William Burkhardt, Darryl Pruett, Don Leighton-Burwell, Rahm McDaniel, Michael Von Ohlen nay); POSPTONED TO JULY 8, 2019.**

**I-3      C15-2019-0026            Jay Dupont for Melissa Wise  
2800 Rivercrest Drive**

The applicant has requested variance(s) to Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) to increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (required, permitted) to 41 percent (requested) in order to remodel and provide an addition to a single family residence in a “LA”, Lake Austin zoning district.

Note: This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or on a tract that is not required to be platted.

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

**I-4      C15-2019-0027            Bryan Lym for Barbara Stevens, Daughters of the  
Republic of Texas  
810 ½ San Marcos Street**

The applicant has requested variance(s) to Ordinance 010607-23, Part 3 to increase the height from 40 feet (required, permitted) to 50 feet (requested) in order to construct a cultural center – the Republic of Texas History Museum - in an “GR - MU - CO - NCCD - NP”, Community Commercial – Mixed Use – Conditional Overlay - Neighborhood Conservation Combining District-Neighborhood Plan zoning district. (11th Street)  
**The public hearing was closed by Chair William Burkhardt, Board Member Rahm McDaniel motion to Grant, Board Member Michael Von Ohlen second on an 11-0 vote; GRANTED.**

## J. INTERPRETATIONS PREVIOUS POSTPONEMENTS

**J-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.  
**City Staff and applicant requesting postponement to July 8, 2019, Board Member Eric Goff motion to Postpone to July 8, 2019, Board Member Melissa Hawthorne second on an 11-0 vote; POSPTONED TO JULY 8, 2019.**

## 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 C15-2017-0047 Janis Smith, P.E. for Ryan Dumont  
3602 Rivercrest 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 distance a dock may extend from the shoreline from 30 feet (required/permitted) to 67 feet (requested) in order to construct a new dock in an “LA”, Lake Austin zoning district.

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

**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.

**The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant with conditions to remove the exiting leg of the fence from the north corner to the south corner of the ball field, Board Member Veronica Rivera second on a 7-4 vote (Board members Darryl Pruett, Eric Goff, Yasmine Smith and Don Leighton-Burwell nay); MOTION FAILED DUE TO NOT ENOUGH VOTES, DENIED.**

**P-3 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.

**Board Member Melissa Hawthorne motion to Postpone to July 8, 2019, Board Member Michael Von Ohlen second on an 11-0 vote; POSTPONED TO JULY 8, 2019.**

**P-4 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.

**WITHDRAWN BY APPLICANT**

**P-5 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 Michael Von Ohlen motion to Postpone to June 10, 2019, Board Member Veronica Rivera second on an 4-7 vote (Board members William Burkhardt, Darryl Pruett, Eric Goff, Melissa Hawthorne, Don Leighton-Burwell, Rahm McDaniel, Jessica Cohen nay); MOTION FAILED DUE TO NOT ENOUGH VOTES; DENIED. Second Motion: Board Member Darryl Pruett motion to Deny, Board Member Don Leighton-Burwell second on an 7-4 vote (Board members Ada Corral, Yasmine Smith, Veronica Rivera, Michael Von Ohlen nay); DENIED.**

## **Q. VARIANCE RECONSIDERATIONS**

**Q-1 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.

**Board Member Melissa Hawthorne motion to hear reconsideration request, Board Member Michael Von Ohlen second on an 11-0 vote; GRANTED TO HEAR THE RECONSIDERATION REQUEST.**

**The public hearing was closed by Chair William Burkhardt, Board Member Veronica Rivera motion to Postpone to July 8, 2019, Board Member Ada Corral second on a 8-3 vote (Board members William Burkhardt, Darryl Pruett and Michael Von Ohlen nay); POSTPONED TO JULY 8, 2019.**

## **R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS NONE**

## **S. NEW BUSINESS**

**S-1 Discussion and possible action regarding Board Rules Resolution to City Council**

**S-2 Discussion of the April 8, 2019 Board activity report**

- S-3 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**
- S-4 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>
- S-5 Discussion and possible action of progress DSD has made on the project to post residential plan review administrative memos to DSD website
- S-6 Discussion and possible action regarding the Board's Annual Internal Review Report to Council
- S-7 Discussion and possible action regarding City Attorney conflict-of-interest
- S-8 Announcements
- S-9 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests  
**Board requested a training session/workshop with Environmental staff and Legal (regards to hardships).**

**ADD ITEM:**

**Workgroups Update: Transportation Criteria/Code Recommendations Workgroup**

**T. ADJOURNMENT 9:57 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 Elaine Ramirez, Development Services, at 512-974-2202/elaine.ramirez@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.*