



## MEETING MINUTES June 10, 2019

The Board of Adjustment convened in a meeting on June 10, 2019, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:30 p.m.

**Board Members in Attendance:** Jessica Cohen, Ada Corral, William Burkhardt (Chair), Don Leighton-Burwell, Rahm McDaniel, Darryl Pruett, Yasmine Smith, Michael Von Ohlen, Kelly Blume (Alternate), Martha Gonzalez (Alternate)

**Board Members Absent:** Eric Goff, Melissa Hawthorne (Vice Chair), Veronica Rivera

**Board Staff in Attendance:** Elaine Ramirez (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 May 13, 2019 draft minutes  
**Board Member Michael Von Ohlen motion to approve the minutes for May 13, 2019, Board Member Rahm McDaniel second, with no objections; APPROVED MINUTES FOR May 13, 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 Postpone Item P-1 to July 8, 2019, Board Member Rahm McDaniel second on a vote 10-0, GRANTED APPLICANT'S REQUEST TO POSTPONE ITEM P-1 TO JULY 8, 2019.**

**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 C15-2019-0030 Jason Asbury for Homex Partners  
1128 & 1130 Lott Avenue**

The applicant has requested variance(s) to Section 25-2-492 (Site Development Regulations) (D) to increase the Impervious Cover from 45% (required) to 50% (requested) in order to complete a Duplex in a "SF-3-NP", Single-Family Residence zoning district. (MLK-183 Neighborhood Plan)

**The public hearing was closed by Chair William Burkhardt, Board Member Don Leighton-Burwell motion to Deny, Board Member Michael Von Ohlen second on a 9-1 vote (Board member Jessica Cohen nay); DENIED**

**I-2 C15-2019-0033 Emily Jones for Bryan Cumby  
3219 Manor Road**

The applicant is requesting a variance(s) from the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (C) (2) and (3) (Height Limitations and Setbacks for Large Sites) in order to construct a 60 foot Multi-Family use in a "CS-V-CO-NP", General Commercial Services – Vertical Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (MLK Neighborhood Plan)

a. The Land Development Code Section 25-2-1063 (C) (2) allows a height limit of three stories or 40 feet, if the structure is more than 50 feet and not more than 100 feet from property (a) in an "SF-5" or more restrictive zoning district, or (b) on which a use permitted in an "SF-5" or more restrictive zoning district is located.

b. The Land Development Code Section 25-2-1063 (C) (3) allows a height limit for a structure more than 100 feet but not more than 300 feet from property zoned "SF-5" or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned "SF-5" or more restrictive.

Note: This variance will allow for a uniform height of 60 ft. for the entire project. 60 ft. is currently allowed in portions of the project and graduating down to 40 ft. in other portions of the project.

**The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Postpone to July 8, 2019, Board Member Don Leighton-Burwell second on a 10-0 vote; POSTPONED TO JULY 8, 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 C15-2019-0022 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)

**POSTPONED TO JULY 8, 2019 BY APPLICANT**

## **Q. VARIANCE RECONSIDERATIONS**

**Q-1 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)

**Board Member Michael Von Ohlen motion to Reconsider request, Board Member Don Leighton-Burwell second on a 9-1 vote (Board member Rahm McDaniel nay); GRANTED TO RECONSIDERATION REQUEST.**

**The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to postpone to July 8, 2019, Board Member Yasmine Smith second on a 5-5 vote (Board member William Burkhardt, Jessica Cohen, Ada Corral, Rahm McDaniel, Darryl Pruett nay); Motion failed.**

**Substitute Motion: Board Member Rahm McDaniel motion to Deny, Board Member Jessica Cohen second on a 6-4 vote (Board member Yasmine Smith, Michael Von Ohlen, Kelly Blume and Martha Gonzalez nay); DENIED.**

**DUE TO THE AMBIGUOUS WORDING OF THE MOTION AND THE VOTE TAKEN AT THE BOA MEETING ON JUNE 10, 2019, THIS VOTE WILL SUBJECT TO RECONSIDERATION AT THE NEXT BOA MEETING ON JULY 8, 2019.**

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

## **S. NEW BUSINESS**

**S-1 Discussion of the May 13, 2019 Board activity report  
CONTINUED TO JULY 8, 2019**

**S-2 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 JULY 8, 2019**

- S-3 DSD Staff presentation/update of 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 JULY 8, 2019**
- S-4 DSD Staff presentation/update -DSD has made on the project to post residential plan review administrative memos to DSD website  
**CONTINUED TO JULY 8, 2019**
- S-5 Discussion and possible action regarding the Board's Annual Internal Review Report to Council  
**Board Member Jessica Cohen motion to approve report, Board Member Don Leighton-Burwell second, with no objections; APPROVED.**
- S-6 Discussion and possible action regarding Workgroups Update: Transportation Criteria/Code Recommendations Workgroup  
**CONTINUED TO JULY 8, 2019**
- S-7 Announcements
- S-8 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

**T. ADJOURNMENT 7:34 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.*