



MEETING MINUTES
July 8, 2019

The Board of Adjustment convened in a meeting on July 8, 2019, City Council Chambers, 301 West 2nd Street, Austin, Texas.

William Burkhardt called the Board Meeting to order at 5:36 p.m.

Board Members in Attendance: Jessica Cohen, Ada Corral, William Burkhardt (Chair), Melissa Hawthorne (Vice Chair), William Hodge, Don Leighton-Burwell, , Darryl Pruett, Yasmine Smith, Michael Von Ohlen, Kelly Blume (Alternate), Denisse Hudock(Alternate)-attended for one case only

Board Members Absent: Rahm McDaniel and Veronica Rivera, Martha Gonzalez (Alternate)

Board Staff in Attendance: Elaine Ramirez (Board Liaison) and Diana Ramirez (Board Secretary), Lee Simmons (Board Attorney); Jerry Rusthoven, Donna Galati, Rosa Cervantes (DSD-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 June 10, 2019 draft minutes
Board Member Michael Von Ohlen motion to approve the minutes for June 10, 2019, Board Member Don Leighton-Burwell second, no objections; APPROVED MINUTES FOR June 10, 2019.

B-2 Staff and Applicant requests for postponement and withdraw of items posted on this Agenda
Board Member Melissa Hawthorne motion to Grant applicant's/staff's request to Postpone Items I-6, P-1, P-4 and R-1 to August 12, 2019 and to Withdraw Items I-2 and J-1, Board Member Michael Von Ohlen second on a vote 11-0, GRANTED APPLICANT'S/STAFF'S REQUESTS.

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 C15-2019-0029 David Cancialosi for Alex Tynberg
2710 Scenic Drive**

The applicant is requesting a variance(s) from Section 25-2-1176 (A) (3) (Site Development Regulations for Docks, Marinas, and other Lakefront Uses) to reduce the Interior Setback requirement from 10 feet (required), 9 feet 5 inches (existing) to 0 feet (requested) from the South side property line in order to erect a Boat Dock in a "SF-3-NP", Single-Family –Neighborhood Plan zoning District (West Austin Neighborhood Plan). The Land Development Code states that a dock may not be constructed closer than 10 feet to the side property line, regardless of the side yard setback generally applicable within the base zoning district.

The public hearing was closed by Chair William Burkhardt, Board Member Don Leighton-Burwell motion to Deny, Board Member Darryl Pruett second on a 6-4 vote (Board members Ada Corral, Melissa Hawthorne, Yasmine Smith and Michael Von Ohlen nay); DENIED

**I-2 C15-2019-0032 Ron Thrower for David Honeycutt
2203 & 2205 Manana Street**

The applicant is requesting a variance(s) to increase the maximum allowable impervious cover requirement Section 25-2-551 (C)(2)(a) (Lake Austin (LA) District Regulations) from 20% to 36% in order to erect a single-family residential use in a “SF-2”, Single - Family Residential zoning district. The Land Development Code allows for a lot in a subdivision plat recorded after April 22, 1982, impervious coverage may not exceed 20 percent on a slope with a gradient of 25 percent or less.

Note: this property is in the Lake Austin Overlay which reverts back to 25-2-551

WITHDRAWN BY APPLICANT

**I-3 C15-2019-0035 Perry Hunt for Srimathi Rangarajan
1200 West 29th Street**

The applicant is requesting a variance(s) from the Garage Placement requirement of Section 25-2-1604 (C)(1) & (2) for a garage from 50% (required) to 224% (requested) with a width of 21 feet 1 inch in order to erect a single family residential use in a “SF-3NP”, Family Residence – Neighborhood Plan zoning district. (Windsor Road Neighborhood Plan). The Land Development Code states that for a parking structure with an entrance that faces the front yard: (1) may not be closer to the front lot line than the front-most exterior wall of the first floor of the building façade; and (2) if the parking structure is less than 20 feet behind the building façade, the width of the parking structure may not exceed 50 percent of the width of the principal structure, measured parallel to the front lot line.

The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant, Board Member Ada Corral second on a 10-0 vote; GRANTED.

**I-4 C15-2019-0038 Dwayne Barnes
5003 Martin Avenue**

The applicant is requesting a variance(s) from Ordinance No. 20120112-087, Hyde Park NCCD, Part 7, Residential District, Section 1, (Site Development Standard Table) in order to:

- a. Decrease the minimum lot width from 50 feet (required) to 46 feet (requested/existing);
- b. Decrease the rear yard setback from 10 feet (required) to 5 feet (requested/existing); and from
- c. Section 4. To decrease the minimum lot size of a Secondary Dwelling Unit use from 7,000 square feet (required) to 5,738 square feet (surveyed; 5750 platted/recorded) all in order to maintain an existing secondary dwelling use in a “SF-3-NCCD-NP”, Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (Hyde Park)

The public hearing was closed by Chair William Burkhardt, Board member Michael Von Ohlen motion to Grant with the same findings approved in November

9, 2015, Board Member Melissa Hawthorne second on a 10-0 vote, Board Member Ada Corral motion to amend and add item a- lot width 46 feet, Board Member Michael Von Ohlen second on a 10-0 vote; GRANTED WITH THE SAME FINDINGS APPROVED IN NOVEMBER 9, 2015 AND ADDED ITEM A -LOT WIDTH 46 FEET.

**I-5 C15-2019-0039 Jeffrey Skilling
1202 Reagan Terrace**

The applicant is requesting a variance(s) to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 0 feet in order to erect a detached 2-car carport for a Single-Family residence in a SF-3NP”, Family Residence – Neighborhood Plan zoning district. (South River City Neighborhood Plan)

The public hearing was closed by Chair William Burkhardt, Board Member Don Leighton-Burwell motion to Postpone to August 12, 2019, Board Member Michael Von Ohlen second on a 10-0 vote; POSTPONED TO AUGUST 12, 2019.

**I-6 C15-2019-0040 Leah Bojo for Artesia 2018 Investments, LLC
8300 North IH 35 Southbound**

The applicant is requesting a variance(s) to decrease the minimum site area requirement of Subchapter E, Article 4, Mixed Use Combining District, Section 4.2.1 (D)(6)(c) (District Standards) from a minimum requirement of 210,800 square feet (required) to 130,0680 square feet (requested) in order to construct a Multi-Family use in a “CS-MU-CO-NP”, General Commercial Services –Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Georgian Acres Neighborhood Plan). The Land Development Code requires that in an MU combining district that is combined with general office (GO), Community Commercial, (GR) General Commercial Services (CS), or Community Services – Liquor Sales (CS-1) base district, the minimum site area for each dwelling unit is: (i) 800 square feet, for an efficiency dwelling unit; (ii) 1,000 square feet, for a one bedroom dwelling unit; and (iii) 1,200 square feet, for a dwelling unit with two or more bedrooms.

POSTPONED TO AUGUST 12, 2019 BY APPLICANT DUE TO SHORTAGE OF A BOARD MEMBER

**I-7 C15-2019-0041 Brian Copland
2710 San Pedro Street**

The applicant is requesting a variance(s) from the Garage Placement requirement of Section 25-2-1604 (C)(1) for a carport in order to erect a single family residential use in a “SF-3NP”, Family Residence – Neighborhood Plan zoning district. (West University Neighborhood Plan) The Land Development Code states that for a parking structure with an entrance that faces the front yard: may not be closer to the front lot line than the front-most exterior wall of the first floor of the building façade.

Note: The front façade of the Building Structure is 44 feet 9 inches and the Carport is 25 feet 0 1/8 inches.

The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant, Board Member Don Leighton-Burwell second on a 10-0 vote; GRANTED.

**I-8 C15-2019-0043 Bruce S. Aupperle, P.E. for Skylark Parnters II, LP,
John Porter
1704 and 1706 Channel Road**

The applicant is requesting a variance(s) from Section 25-2-551 (C)(3)(a) to increase the maximum impervious coverage requirement from 35% to 38.5% in order to erect a single-family residence in “LA”, Lake Austin zoning district. The Land Development Code states that the impervious coverage may not exceed 35%, on a slope with a gradient of 15 percent or less.

Note: 1704 Channel Rd is zoned “LA” and 1706 Channel Rd is zoned “SF-2”

The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Postpone to August 12, 2019, Board Member Melissa Hawthorne second on an 8-2 vote (Board members William Burkhardt and Darryl Pruettt nay); POSTPONED TO AUGUST 12, 2019.

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.

WITHDRAWN BY APPLICANT/STAFF

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 C15-2019-0019 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.

POSTPONED TO AUGUST 12, 2019 BY APPLICANT DUE TO SHORTAGE OF A BOARD MEMBER

**P-2 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)

Board Member Michael Von Ohlen motion to Postpone to August 12, 2019, Board Member Melissa Hawthorne second on a 10-0 vote; POSTPONED TO AUGUST 12, 2019 (APPLICANT -NO SHOW).

**P-3 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 Melissa Hawthorne motion to Grant, Board Member William Hodge second on a 9-1 vote (Board member Darryl Pruett nay); GRANTED.

**P-4 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.

POSTPONED TO AUGUST 12, 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 Melissa Hawthorne motion to rescind previous action from the June 10, 2019 meeting, Board Member Don Leighton-Burwell second on a 10-1 vote (Board member Jessica Cohen nay); Board member Melissa Hawthorne motion to reopen the public hearing, Board Member Don Leighton-Burwell second on 11-0. The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant with the same findings approved on June 10, 2109 and with conditions to limit to 3 stories and maximum height of 37 feet from above average grade, Board Member Jessica Cohen second on a 11-0 vote; GRANTED WITH THE SAME FINDINGS APPROVED ON JUNE 10, 2019 AND WITH CONDITIONS TO LIMIT TO 3 STORIES AND MAXIMUM HEIGHT OF 37 FEET FROM ABOVE AVERAGE GRADE.

R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS

**R-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.

POSTPONED TO AUGUST 12, 2019 BY APPLICANT DUE TO SHORTAGE OF A BOARD MEMBER

S. NEW BUSINESS

S-1 Discussion of the June 10, 2019 Board activity report
CONTINUED TO AUGUST 12, 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
25-1-212 (REPORT), see case coversheet for new 2019 cases
CONTINUED TO AUGUST 12, 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 AUGUST 12, 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 AUGUST 12, 2019

S-5 Discussion and possible action regarding Workgroups Update: Transportation Criteria/Code Recommendations Workgroup
DISCUSSED; CONTINUED TO AUGUST 12, 2019

S-6 Discussion and possible action regarding the Board’s Annual Internal Review Report to Council (Added June’s numbers to this report for the end of the time period)
Board Member Michael Von Ohlen motion to approve report, Board Member Melissa Hawthorne second on a 10-0 vote; APPROVED ANNUAL REPORT.

S-7 Announcements

S-8 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

Items to be added on next agenda:

1. Discussion and possible action of the BOA fees resolution
2. Discussion regarding hardships

T. ADJOURNMENT 9:43PM

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.*