



## MEETING MINUTES

August 12, 2019

The Board of Adjustment convened in a meeting on August 12, 2019, City Council Chambers, 301 West 2<sup>nd</sup> Street, Austin, Texas.

Melissa Hawthorne (Vice-Chair) called the Board Meeting to order at 5:30 p.m.

**Board Members in Attendance:** Brooke Bailey, Jessica Cohen, Melissa Hawthorne (Vice Chair), William Hodge, Don Leighton-Burwell, Rahm McDaniel, Darryl Pruet, Veronica Rivera, Yasmine Smith, Kelly Blume (Alternate), Denisse Hudock (Alternate)

**Board Members Absent:** Ada Corral, Michael Von Ohlen, and Martha Gonzalez (Alternate)

**Board Staff in Attendance:** Elaine Ramirez (Board Liaison) and Diana Ramirez (Board Secretary), Steven Maddoux (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 July 8, 2019 draft minutes  
**Board Member Don Leighton-Burwell motion to approve the minutes for July 8, 2019, Board Member William Hodge second on a vote 10-0 (Board member Veronica Rivera late); APPROVED MINUTES FOR July 8, 2019.**

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

**Board Member Jessica Cohen motion to Grant applicant's/staff's request to Postpone Item I-2 to November 7, 2019 and Item P-3 to September 9, 2019, Withdraw Item P-6, Board Member Rahm McDaniel seconds on a vote 11-0, GRANTED APPLICANT'S/STAFF'S POSTPONEMENTS AND WITHDRAWAL 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 C15-2019-0044 Hector Avila for Tyson Tuttle  
4302 and 4304 Avenue D**

The applicant is requesting a variance(s) from Section 25-2-492 (D) (Site Development Regulations) from setback requirements:

- a) 4302 Avenue D
  - i. to decrease the minimum front yard setback from 25 feet (required) to 16 feet 3 inches (requested), and
  - ii. to decrease the minimum interior side yard setback from 5 feet (required) to 3 feet 1 inch (requested)
- b) 4304 Avenue D
  - i. to decrease the minimum front yard setback from 25 feet (required) to 16 feet 7 inches(requested) and

- ii. to decrease the minimum rear yard setback from 10 feet (Required) to 1 feet 3 inches (requested)

in order to remodel a single family residential use in a “SF-3-HD-NCCD-NP”, Single-Family Residence zoning district. (Hyde Park Combined Neighborhood Plan, Historic District)

Note: A re-subdivision (C8-2019-0084.0A) is currently under review with Land Use Review to create one legal lot from two parcels of land.

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motion to Grant, Board Member Jessica Cohen second on a 10-0 vote (Board member William Hodge recused); GRANTED.**

**I-2 C15-2019-0045 Colby Turner for Ryan Diepenbrock  
504 Sunny Lane**

The applicant is requesting a variance(s) from:

- a) Section 25-2-492 (Site Development Regulations) (D) to increase the maximum allowable Impervious Cover from 45% (required) to 59.5% (requested) for retaining wall.
- b) Section 25-2-899 (Fences as Accessory Uses) (E) (1) from 6 feet to 7 ft. 2 in. at North end and portions of Southeast and Southwest sides of property lines

in order to complete a Single-Family residence in a “SF-3-NCCD-NP”, Single-Family Residence zoning district. (South River City Combined Neighborhood Plan)

**POSTPONED TO NOVEMBER 7, 2019 BY APPLICANT**

**I-3 C15-2019-0046 Lila Nelson for Benjamin S. Wu  
4320 James Casey Street**

The applicant is requesting a variance(s) from Section 25-2-1067 (H) (Design Regulations) Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards to

- a) decrease the minimum parking setback from 25 feet (required) on the southern and western boundaries to 0 feet (requested) and;
- b) decrease the minimum driveway setback from 20 feet (required) to 0 feet (requested),

in order to construct an accessory parking lot in a “LO-V-NP”, Limited Office – Vertical Mixed Use – Neighborhood Plan zoning district. (South Manchaca Neighborhood Plan)

NOTE: The subject property is 110 ft. wide

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Yasmine Smith motion to postpone to September 9, 2019, Board Member Brooke Bailey second on an 11-0 vote; POSTPONED TO SEPTEMBER 9, 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 C15-2019-0019 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 Don Leighton-Burwell, Board Member Rahm McDaniel motion to Grant, Board Member Melissa Hawthorne second on a 10-1 vote (Board member Kelly Blume nay); GRANTED.**

**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)

**Applicant was no show at the meeting, Board Member Melissa Hawthorne motion to postpone to October 14, 2019, Board Member Veronica Rivera second on a 9-2**

**vote (Board members Don Leighton-Burwell and Darryl Pruett nay); POSTPONED TO OCTOBER 14, 2019.**

**P-3 C15-2019-0033 Melissa Brown 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 SEPTEMBER 9, 2019 BY APPLICANT**

**P-4 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 Don Leighton-Burwell, Board Member Melissa Hawthorne motion to Grant, Board Member Rahm McDaniel second on an 11-0 vote; GRANTED.**

**P-5 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.

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motion to postpone to September 9, 2019, Board Member Veronica Rivera second on an 11-0 vote; POSTPONED TO SEPTEMBER 9, 2019.**

**P-6 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  
**WITHDRAWN BY APPLICANT**

## **Q. VARIANCE RECONSIDERATIONS**

**Q-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.

**Board Member Melissa Hawthorne motion to hear reconsideration request, Board Member Rahm McDaniel second on an 11-0 vote; The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motion to Grant as per drawing Q-1/24, Board Member Jessica Cohen second on a 8-3 vote (Board members William Hodge, Darryl Pruett and Yasmine Smith nay); DENIED.**

## **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.

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motion to Grant, Board Member William Hodge second on a 9-2 vote (Board members Darryl Pruett and Kelly Blume nay); GRANTED.**

## **S. NEW BUSINESS**

**S-1 Discussion of the July 8, 2019 Board activity report**

**DISCUSSED, CONTINUED TO SEPTEMBER 9, 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**

**DISCUSSED**

**S-3 Discussion and possible action regarding Workgroups Update: Transportation Criteria/Code Recommendations Workgroup**

**DISCUSSED, CONTINUED TO SEPTEMBER 9, 2019**

**S-4 Discussion and possible action of Election of Chair**

**Board Member Brooke Bailey motion to nominate Don Leighton-Burwell as the Chair for the Board of Adjustment, Melissa Hawthorne second on an 11-0; APPROVED DON LEIGHTON-BURWELL AS THE CHAIR OF THE BOARD OF ADJUSTMENT.**

**S-5 Discussion and possible action of BOA fees resolution**

**DISCUSSED, CONTINUED TO SEPTEMBER 9, 2019**

**S-6 Discussion in regards to hardships**

**DISCUSSED**

**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 8:50PM**

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.*