



BOARD OF ADJUSTMENT
January 13, 2020
5:30 PM
City Council Chambers
301 West 2nd Street
AUSTIN, TEXAS

___ Brooke Bailey	___ Darryl Pruett
___ Jessica Cohen	___ Veronica Rivera
___ Ada Corral	___ Yasmine Smith
___ Melissa Hawthorne (Vice Chair)	___ Michael Von Ohlen
___ William Hodge	___ Kelly Blume (Alternate)
___ Don Leighton-Burwell (Chair)	___ Martha Gonzalez (Alternate)
___ Rahm McDaniel	___ Denisse Hudock (Alternate)

AGENDA

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 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 November 7, 2019 draft minutes

On-Line Link: [Item B-1](#)

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

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 C15-2019-0059 Janice Srivathanakul
101 and 102 Lago Verde Road**

On-Line Link: [Item I-1](#)

The applicant is requesting a variance(s) from LDC Section 25-2-492 (D) (Site Development Regulations) in order to:

- a) Decrease the minimum lot width requirement (required) from 100 feet to 50 feet (requested), and
- b) Decrease the minimum interior side yard setback requirement from 10 feet (required) to 5 feet (requested) in order to remodel a single family residence and add an accessory apartment in a “LA”, zoning district.

Note: Applicant is trying to legally plat these lots.

**I-2 C15-2019-0063 Stephen H. Rison
1507 Fairfield Drive**

On-Line Link: [Item I-2](#)

The applicant is requesting a variance(s) from the minimum setback requirement of LDC Section 25-2-492 (Site Development Regulations) (D) to decrease the rear setback requirement from 10 feet (required) to 0 feet (requested) in order to maintain an existing shed in an “SF-3-NP”, Single-Family zoning district. (Wooten Neighborhood Plan)

**I-3 C15-2019-0068 Rodney K. Bennett for Carl Frank
1213 Taylor Street**

On-Line Link: [Item I-3](#)

The applicant is requesting a variance(s) from Section 25-2-515 (Rear Yard of a Through Lot) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 14 feet 6 inches (requested) in order to erect detached garage with a 2nd FL Studio/Guest Room (not to be a Two-Family Use) SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

Note: Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

**I-4 C15-2020-0002 Meredith Bradley
1016 Avondale Road**

On-Line Link: [Item I-4](#)

The applicant is requesting a variance(s) from the Land Development Code:

1. Section 25-2-492 (D) (Site Development Regulations) from setback requirements in order to:
 - a) decrease the minimum front yard setback from 25 feet (required) to 12 feet 6 inches (requested/existing),
 - b) decrease the minimum rear setback from 10 feet (required) to 5 feet (requested/existing), and from
2. Section 25-2-963 (F) (2) (Modification and Maintenance of Non-complying Structures) to exceed the additional length of a modified portion of a building’s non-conforming wall by more than 25 feet (permitted) to 32 feet (Requested) in order to add a second story to a portion of the first story footprint of an existing single-family home in a SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (South River City Neighborhood Plan)

Note 1: Per LDC 25-2-963 (F) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if: (2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.

Note 2: the proposed addition will not increase the building footprint or the impervious cover of the site.

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

On-Line Link: [Item P-1](#)

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

REQUESTING POSTPONEMENT TO MARCH 9, 2020 BY APPLICANT

**P-2 C15-2019-0055 David Cancialosi for Mark Odom
2803 Edgewater Drive**

On-Line Link: [Item P-2 Part1](#), [Part2](#), [Part3](#), [Part4](#), [Part5](#), [Part6](#), [Part7](#), [Part8](#)

The applicant is requesting a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)

- 1. (C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 66% (requested); 0% (existing)

2. (E) (2) to increase Impervious Cover to 29% for a driveway in order to erect a Single-Family Residential use in an “LA” zoning district.

NOTE: (for item (E) (2) The Land Development Code states on a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

**P-3 C15-2019-0057 Jennifer Conroy
1304 & 1310 Willow Street**

On-Line Link: [Item P-3](#)

The applicant is requesting a variance(s) from LDC Section 25-2-476 (B) (3) (a) (i) (*Special Exceptions*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the interior side yard setback from 5 feet (required) to 3 ft. 6 inches (requested) in order to maintain a Garage Apartment that has been at this location for at least 25 years in a “SF-3-NP”, Single-Family Residence zoning district. (East Cesar Chavez Neighborhood Plan)

Note: Per the LDC 25-2-476 (B) The Board shall grant a special exception under Subsection (A) of this section if; (B) the Board finds that: (a) the violation has existed for: (i) at least 25 years.

**P-4 C15-2019-0061 Jarred Corbell for PSW-Springdale, LLC
735 Springdale Road**

On-Line Link: [Item P-4](#)

The applicant is requesting a variance(s) to increase the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 – Development Standards, Section 25-2-1063 (C)(2) (*Height Limitations and Setbacks for Large Sites*) from 40 feet (maximum allowed) to 48 feet (requested) in order to erect a 48 ft. foot Commercial Office use in a “CS-MU-CO-NP”, General Commercial Services – Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

Note: 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.

**P-5 C15-2019-0062 Igor Dimitrijevi for Enable Capital, LLC
1707 Astor Place**

On-Line Link: [Item P-5](#)

The applicant is requesting a variance(s) from LDC Section 25-2-476 (B) (3) (a) (i) (*Special Exceptions*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the interior side yard setback from 5 feet (required) to 3 ft. 9 inches (requested) in order to maintain a Single Family Residential use that has been at this location for at least 25 years in a “SF-3-NP”, Single-Family Residence zoning district. (MLK Neighborhood Plan)

Note: Per the LDC 25-2-476 (B) The Board shall grant a special exception under Subsection (A) of this section if; (B) the Board finds that: (a) the violation has existed for: (i) at least 25 years.

WITHDRAWN BY APPLICANT

**P-6 C15-2019-0064 April Clark for Dr. Samir Patel
1415 West 10th Street**

On-Line Link: [Item P-6](#)

The applicant is requesting a variance(s) from the LDC Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.3 (Gross Floor Area – Porch, Basement and Attic Exemptions) (B) (2) in order to receive the basement exemption on a sloped site the applicant proposes to change the location of measurement from the average elevation at the intersections of the minimum front yard setback line and the side property line to the intersection of the front building line and the side property lines (this will not be closer than the front setback line nor will the building exceed the maximum tent height limitations) in order to erect a Single-Family Residence with a Guest House in a “SF-3-NP”, Single-Family zoning district (Old West Austin Neighborhood Plan)

WITHDRAWN BY APPLICANT

Q. VARIANCE RECONSIDERATIONS

NONE

R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

S. NEW BUSINESS

S-1 Discussion of the November 7, 2019 Board activity report

On-Line Link: [Item S-1](#)

S-2 Staff Report Requested on HB 2497; Discussion and possible action.

HB 2497 limits who can file administrative appeals of site-specific applications to the Board. In the past, any “aggrieved party” could appeal zoning-related determinations to the Board. As of September 1, the right to file administrative appeals is limited to landowners, a person within 200 feet of the property, applicants, officers, departments, boards, or bureaus that are affected by the decision. For non-site specific applications, the law remains the same: any person

aggrieved by the decision, or any officer, department, board, or bureau affected by the decision may appeal.

S-3 Discussion and possible action on the draft LDC; BOA LDC Workgroup Report (Workgroup Members: Leighton-Burwell, Hawthorne, Cohen, Hodge and Smith)

On-Line Link: [Item S-3](#)

S-4 Discussion and possible action on the FY 2020-21 Budget Calendar

On-Line Link: [Item S-4](#)

S-5 Discussion and possible action on the Number of Allowed Postponements

S-6 Discussion and possible action regarding Workgroups Update: Transportation Criteria/Code Recommendations Workgroup (Smith, Hodge & Corral)

- Resolution re: DSD Representation (No response from City Staff)
- Transportation Criteria Manual (e.g. Gas Islands)
- Regular BOA Issues that might trigger Code Revision

S-7 Discussion in regards to hardships (workshop):

- Training for Members re: Setback, IC, Lake Austin/Environmental Cases AND Hardship
- Presentation on BOA Guidelines

S-8 BOA Response to Neighborhood Inquiry re: Pre-Clearance Policy and approvals by other Boards and Commissions (Presentation by City Legal)

S-9 Announcements

S-10 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

T. ADJOURNMENT

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*.