



## MEETING MINUTES

February 5, 2020

The Board of Adjustment convened in a meeting on February 5 2020, One Texas Center, 3<sup>rd</sup> floor, Room 325, 505 Barton Springs Road, Austin, Texas.

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:30 p.m.

**Board Members in Attendance:** Ada Corral, Jessica Cohen, Melissa Hawthorne (Vice Chair), William Hodge, Don Leighton-Burwell (Chair), Darryl Pruett, Veronica Rivera, Michael Von Ohlen, Kelly Blume

**Board Members Absent:** Brooke Bailey, Rahm McDaniel, Yasmine Smith, Martha Gonzalez (Alternate), Denisse Hudock (Alternate) Resigned

**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 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

### 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.

#### A. DISCUSSION AND REQUESTED ACTION ITEMS

A-1 Staff requests approval of January 13, 2020 draft minutes

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

**Board Member Melissa Hawthorne motion to approve the minutes for January 13, 2020, Board Member Darryl Pruett second on a vote 8-1 (Board**

**member Michael Von Ohlen abstained); APPROVED MINUTES FOR JANUARY 13, 2020.**

**B. DISCUSSION AND REQUESTED ACTION ITEM**

**B-2** Staff and Applicant requests for postponement and withdraw of items posted on this Agenda  
**Items I-2, P-2, P-3 requesting postponements to March 9, 2020, Item P-1 requesting withdrawn; Due to shortage of board members Items I-3, I-4, I-5, I-7 requesting postponements to March 9, 2020**  
**Board Member Melissa Hawthorne motions to Grant applicant's/staff's request for Items I-2, P-2, P-3 to Postpone to March 9, 2020, Item P-1 to withdraw, and due to shortage of board members Items I-3, I-4, I-5, I-7 are also requesting postponements to March 9, 2020; Board Member Veronica Rivera seconds on a vote 9-0, GRANTED APPLICANT'S/STAFF'S POSTPONEMENTS ITEMS I-2, P-2, P-3 TO MARCH 9, 2020 AND ITEM P-1 TO WITHDRAW, AND DUE TO SHORTAGE OF BOARD MEMBERS ITEMS I-3, I-4, I-5, I-7 ARE ALSO REQUESTING POSTPONEMENTS TO MARCH 9, 2020**

**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 C15-2020-0001 Todd O'Neill  
809 Norwalk Lane**

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

The applicant is requesting a variance(s) from the LDC Subchapter F: Residential Design and Compatibility Standards, Article 3, Section 3.3.2 (Gross Floor Area) (B) (1) to allow

an attached parking area [carport] that does not meet the minimum parking requirement to be exempted (160 sq. ft.) from the Gross Floor Area calculation for this site in order to complete an addition of a bedroom and carport in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (West Austin Neighborhood Plan)

*Note: Carport is 12 feet deep, it is not meeting the definition of a parking spot per TCM of a parking spot being 8 ½ x 17, therefore it is not meeting a parking area that can be exempted from Gross Floor Area.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant, Board Member Melissa Hawthorne seconds on a 9-0 vote; GRANTED**

**I-2      C15-2020-0003                  Jennifer Hanlen for Addison Thom  
3409 Neal Street**

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

The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from lot width requirements to decrease the minimum lot width from 50 feet (required) to 49.09 feet (requested) in order to SF-3-NP”, Single-Family Residence - Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

**POSTPONED TO MARCH 9, 2020 BY APPLICANT (RENOTICE)**

**I-3      C15-2020-0004                  Anthony Brown  
1612 Newton Street**

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

The applicant is requesting a variance(s) from LDC Section 25-2-492 (D) (*Site Development Regulations*) in order to decrease the minimum lot size requirement from 5,570 square feet (required) to 3,575 square feet (requested) in order to erect a Single Family residence in a “SF-3-NP”, Single-Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

*Note: This neighborhood **did not** adopt Small Lot Amnesty which would have allowed the applicant to build on a lot smaller than 5,750 sq. ft.*

**POSTPONED TO MARCH 9, 2020 BY APPLICANT DUE TO SHORTAGE OF BOARD MEMBERS**

**I-4      C15-2020-0005                  Aixa Sola for Erin E. O’Malley  
5003 Highland Court**

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

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 10 feet (requested) in order to erect a one story single-family residence in a SF-3”, Single-Family Residence zoning district.

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

**POSTPONED TO MARCH 9, 2020 BY APPLICANT DUE TO SHORTAGE OF BOARD MEMBERS (CORRAL ABSTAINING)**

**I-5      C15-2020-0006              Ron Thrower for Patrick N. Dunn  
2309 & 2311 Quarry Road**

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

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 for each lot 2309 & 2311 Quarry Rd. from 25 feet (required) to 10 feet (requested) in order to erect a single-family residence per lot in a SF-3", Single-Family Residence zoning district.

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

**POSTPONED TO MARCH 9, 2020 BY APPLICANT DUE TO SHORTAGE OF BOARD MEMBERS**

**I-6      C15-2020-0009              Melissa Brown for Bryan Cumby  
3219 Manor Road**

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

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 Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to March 9, 2020, Board Member Jessica Cohen seconds on a 9-0 vote; POSTPONED TO MARCH 9, 2020.**

**I-7      C15-2019-0010      Travis Young for Daniel & Amy Coops  
71 Julius Street**

**On-Line Link: [Item I-7](#)**

The applicant is requesting a variance(s) from Section 25-2-721 (Waterfront Overlay (WO) Combining District Regulations) to (C) (1) and (2) from secondary setback area to allow construction of a home and increase the maximum allowable impervious cover from 30% (allowed) to 36.8% (requested) in order to erect a single-family residence with a detached garage and guest house in a SF-3-NP", Single-Family Residence – Neighborhood Plan zoning district (Holly Neighborhood Plan).

*Note: Per LDC 25-2-721 Waterfront Overlay (WO) Combining District Regulations (C) In a secondary setback area:*

*(1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and*

*(2) impervious cover may not exceed 30 percent.*

**POSTPONED TO MARCH 9, 2020 BY APPLICANT DUE TO SHORTAGE OF BOARD MEMBERS (LEIGHTON-BURWELL ABSTAINING)**

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

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

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.*

**WITHDRAWN BY APPLICANT**

**P-2 C15-2019-0061 Jarred Corbell for PSW-Springdale, LLC  
735 Springdale Road**

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

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.*

**POSTPONED TO MARCH 9, 2020 BY APPLICANT**

**P-3 C15-2019-0063 Stephen H. Rison  
1507 Fairfield Drive**

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

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)

**POSTPONED TO MARCH 9, 2020 BY APPLICANT DUE TO AE DENIAL**

**P-4 C15-2019-0068 Rodney K. Bennett for Carl Frank  
1213 Taylor Street**

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

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 10 feet (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.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to March 9, 2020, Board Member Ada Corral seconds on a 9-0 vote; POSTPONED TO MARCH 9, 2020.**

**Q. VARIANCE RECONSIDERATIONS**

**NONE**

**R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**S. NEW BUSINESS**

**S-1** Discussion of the January 13, 2020 Board activity report

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

**DISCUSSED, CONTINUED TO MARCH 9, 2020**

**S-2** 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-2](#) DISCUSSED**

**S-3** Discussion and possible action on the FY 2020-21 Budget Calendar

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

**S-4** Discussion and possible action on the Number of Allowed Postponements

**DISCUSSED; WORKGROUP-Jessica Cohen, Brooke Bailey, Don Leighton-Burwell)**

**S-5** 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

**DISCUSSED**

**S-6** Discussion in regards to hardships (workshop):

○ Training for Members re: Setback, IC, Lake Austin/Environmental Cases AND Hardship

○ Presentation on BOA Guidelines

## **DISCUSSED, BOARD MEMBERS REQUESTING A TRAINING WORKSHOP**

### **S-7** Announcements

**STAFF REQUESTED FOR THE CHAIR TO ANNOUNCE AT THE MEETINGS TO GET PARKING VALIDATIONS BEFORE THE MEETING STARTS NOT DURING THE MEETING TO AVOID INTERRUPTIONS WHILE TAKING NOTES.**

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

### **T. ADJOURNMENT 6:50 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*.