



MINUTES

Special Meeting of the Board of Adjustment Monday, May 11, 2020

Board of Adjustment to be held May 11, 2020 with Social Distancing Modifications

Public comment will be allowed via telephone; no in-person input will be allowed. **All speakers must register in advance (May 10 before Noon).** All public comment will occur at the beginning of the meeting.

To speak remotely at the **May 11 Board of Adjustment Meeting**, residents must:

- Call or email the board liaison at **Elaine Ramirez @ elaine.ramirez@austintexas.gov or (512) 974-2202** no later than noon, (the day before the meeting). The information required is the speaker name, item number(s) they wish to speak on, whether they are for/against/neutral, and a telephone number or email address.
- Once a request to speak has been called in or emailed to the board liaison, residents will receive either an email or phone call providing the telephone number to call on the day of the scheduled meeting.
- Speakers must call in at least 15 minutes prior to meeting start in order to speak, late callers will not be accepted and will not be able to speak.
- Speakers will be placed in a queue until their time to speak.
- If this meeting is broadcast live, residents may watch the meeting here:
<http://www.austintexas.gov/page/watch-atxn-live>



MEETING MINUTES

May 11, 2020

The Board of Adjustment meeting convened on Monday, May 11, 2020 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live> .

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:35 p.m.

Board Members in Attendance: Brooke Bailey, Ada Corral, Jessica Cohen, Melissa Hawthorne (Vice Chair), William Hodge, Don Leighton-Burwell (Chair), Rahm McDaniel, Darryl Pruett, Yasmine Smith, Michael Von Ohlen, Kelly Blume (Alternate) and Martha Gonzalez (Alternate)

Board Members Absent: Veronica Rivera

Board Staff in Attendance: Elaine Ramirez (Board Liaison) and Diana Ramirez (Board Secretary), Lee Simmons (Board Attorney)

A. DISCUSSION AND REQUESTED ACTION ITEM

A-1 Staff requests approval of March 9, 2020 draft minutes

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

Board Members motion to approve the minutes for March 9, 2020, on a vote 8-1 (Board member Michael Von Ohlen abstained); APPROVED MINUTES FOR March 9, 2020

B. DISCUSSION AND REQUESTED ACTION ITEM

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

Item I-3 applicant requesting withdrawal and Item C-1 neighborhood association requesting postponement to June 8, 2020; Board members motions to Grant applicant's withdrawal request for Item I-3 on a vote 11-0; and Board member Jessica Cohen motions to Grant neighborhood associations postponement request for Item C-1 to postpone to June 8, 2020, Board member Brooke Bailey seconds on a vote 10-1 (Board member Melissa Hawthorne abstained)

C. SIGNS NEW PUBLIC HEARINGS

**C-1 C16-2020-0001 Jason Thumlert for Capital Metro Transportation Authority (Julie Barr)
901, 1011, 1109, 1211 E. 5th Street and 1300, 1304 E. 4th Street**

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

The applicant is requesting a sign variance(s) from Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) (G) to allow for up to eighteen (18) illuminated wall signs in order to provide signage for a Mixed Use buildings in a “TOD-CURE-NP”, Transit Oriented District/Plaza Saltillo – Central Urban Redevelopment – Neighborhood Plan zoning district. (East Cesar Chavez)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (G) states a sign may not be illuminated or contain electronic images or moving parts.

Board member Jessica Cohen motions to Grant neighborhood associations postponement request to June 8, 2020, Board member Brooke Bailey seconds on a vote 11-0 (Board member Melissa Hawthorne abstained); POSTPONED TO JUNE 8, 2020.

**C-2 C16-2020-0002 Alkesh Patel for Lion Veldt
2600 Brockton Drive**

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

The applicant is requesting a sign variance(s) from Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) (G) to allow for one (1) 6 ft. tall freestanding monument sign and two (2) 217 sq. ft. wall signs, all illuminated in order to provide signage for the new Hilton Garden Inn in a “NBG-NP”, North Burnet/Gateway – Neighborhood Plan zoning district. (North Burnet)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (G) states a sign may not be illuminated or contain electronic images or moving parts.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to postpone to June 8, 2020, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO JUNE 8, 2020. (RE-NOTICE)

**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 C15-2020-0014 Rodney Bennett for Wendy H. Durham
2815 Glenview Avenue**

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

The applicant is requesting a variance(s) from the LDC Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 (*Maximum Development Permitted*) to exceed the F.A.R from 40% (required) to 55% (requested) in order to construct an attached exterior elevator in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Windsor Road Neighborhood Plan)

Note: Existing F.A.R is currently at 54%

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Jessica Cohen motions to Grant, Board Member Ada Corral seconds on an 11-0 vote; GRANTED.

**I-2 C15-2020-0016 Chris Paladino
4013 Clawson Road**

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

The applicant has requested variance(s) to Section 25-2 492 (D) (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 34.8 feet (requested) for front lot and 49.82 feet (requested) for rear lot in order to subdivide the current lot into 2 lots and build 2 new single family homes and 2 new second dwelling units on each lot in a “SF-3”, Single-Family Residence zoning district.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to postpone to June 8, 2020, Board Member Brooke Bailey seconds on an 11-0 vote (Board member William Hodge abstained); POSTPONED TO JUNE 8, 2020.

**I-3 C15-2020-0018 Stuart Warren for Robert M. Ehrlich Jr.
3418 N. Lamar Boulevard**

On-Line Link: [PART1](#), [PART2](#), [PART3](#), [PART4](#)

The applicant has requested variance(s) to Section 25-6-472 (*Parking Facility Standards*) Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 67 spaces (required) to 43 spaces (requested, 45 spaces existing) in order to remodel an existing 5,760 sq. ft. building for a restaurant use in a “CS-V-CO-NP”, General Commercial Services – Vertical Mixed Use building – Conditional Overlay – Neighborhood Plan zoning district. (Windsor Road Neighborhood Plan)

Note: There are 45 existing grand-fathered parking spaces. One space is being used as a dumpster pad with a concrete wall and the second space has a light pole that cannot be used as a parking space + there are currently three handicap parking spaces to remain. Ample on-street parallel spaces exist along both sides of West 35th Street adjacent to the site.

WITHDRAWN BY APPLICANT

**I-4 C15-2020-0019 Darryl Dadon
2604 E. 6th Street**

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

The applicant is requesting a variance(s) from Section 25-2-899 (E) (*Fences as Accessory Uses*) to increase the height permitted from 6 feet (required) to 8 feet (requested) in order to maintain a recently constructed fence along an alley on the East side property line in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Holly Neighborhood Plan)

Note: The Land Development Code 25-2-899 (E) states: a solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files written consent to the construction of the fence with the building official; and (2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant the fence to 7 feet, Board Member Melissa Hawthorne seconds on an 11-0 vote; GRANTED THE FENCE TO 7 FEET.

**I-5 C15-2020-0020 Jennifer Hanlen for Durham Trading Partners XII
1401 E. 3rd Street**

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

The applicant is requesting a variance(s) from Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum interior side setback from 5 feet (required) to 2.77 feet (requested) in order to complete a Single-Family residence in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

Note: currently under construction, layout error

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to postpone to June 8, 2020, Board Member Rahm McDaniel seconds on a 10-1 vote (Board member Darryl Pruett nay, William Hodge abstained); POSTPONED TO JUNE 8, 2020.

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

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

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 60 feet (requested) and three stories (maximum allowed) to four stories (requested) in order to erect a 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) limits height to three stories and 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.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member

Michael Von Ohlen motions to Grant with conditions that have been included by the Neighborhood Contact Team pgs. P-1/ 21, P-1/30-33, 8 units of affordable housing and parking below grade, Board Member Brooke Bailey, seconds on an 11-0 vote; GRANTED WITH CONDITIONS THAT HAVE BEEN INCLUDED BY THE NEIGHBORHOOD CONTACT TEAM PAGES P-1/21, P-1/30-33, 8 UNITS OF AFFORDABLE HOUSING AND PARKING BELOW GRADE.

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

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

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)

The public hearing was closed by Chair Don Leighton-Burwell, Board Member William Hodge motions to postpone to June 8, 2020, Board Member Jessica Cohen seconds on an 11-0 vote; POSTPONED TO JUNE 8, 2020.

**P-3 C15-2020-0003 David Cancialosi for Addison Thom
3409 Neal Street**

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

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 33.59 feet (requested) in order to SF-3-NP”, Single-Family Residence - Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

The public hearing was closed by Chair Don Leighton-Burwell, Board Member William Hodge motions to Grant, Board Member Melissa Hawthorne seconds on an 11-0 vote; GRANTED.

**P-4 C15-2020-0004 Anthony Brown
1612 Newton Street**

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

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.*

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant with condition limited to .27 FAR, Board Member Ada Corral seconds on an 10-1 vote (Board member Rahm McDaniel nay); GRANTED WITH CONDITION LIMITED TO .27 FAR.

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

On-Line Link: [PART1](#), [PART2](#), [PART3 PRESENTATION](#)

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.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant with conditions to decrease the rear yard setback to 20 feet for address 2309 and to decrease rear yard setback to 15 feet for address 2311, Board Member Ada Corral seconds on an 10-1 vote (Board member Kelly Blume nay); GRANTED WITH CONDITIONS TO DECREASE THE REAR YARD SETBACK TO 20 FEET FOR ADDRESS 2309 AND TO DECREASE THE REAR YARD SETBACK TO 15 FEET FOR ADDRESS 2311.

**P-6 C15-2020-0010 Travis Young for Daniel & Amy Coops
71 Julius Street**

On-Line Link: [PART1](#), [PART2 PRESENTATION](#)

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.*

The public hearing was closed by Vice-Chair Melissa Hawthorne, Board Member Michael Von Ohlen motions to postpone to June 8, 2020, Board Member Jessica Cohen seconds on an 11-0 vote (Chair Don Leighton-Burwell abstained); POSTPONED TO JUNE 8, 2020.

Q. VARIANCE RECONSIDERATIONS

NONE

R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

S. NEW BUSINESS

S-1 Discussion of the March 9, 2020 Board activity report

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

DISCUSSED, CONTINUE TO JUNE 8, 2020

S-2 Discussion and possible action on the draft LDC; BOA LDC Workgroup Report (Workgroup Members: Leighton-Burwell, Hawthorne, Cohen, Hodge and Smith)

DISCUSSED, CONTINUE TO JUNE 8, 2020

S-3 Discussion and possible action on the FY 2020-21 Budget Calendar -postponed workshop/training for BOA

DISCUSSED, CONTINUE TO JUNE 8, 2020

S-4 Discussion and possible action on the Number of Allowed Postponements; BOA Workgroup (Workgroup Members: Leighton-Burwell, Cohen and Bailey)

DISCUSSED, CONTINUE TO JUNE 8, 2020

S-5 Discussion and possible action regarding Workgroups Update: Transportation Criteria/Code Recommendations Workgroup (Smith, Hodge & Corral)

o Resolution re: DSD Representation (No response from City Staff)

o Transportation Criteria Manual (e.g. Gas Islands)

o Regular BOA Issues that might trigger Code Revision

DISCUSSED, CONTINUE TO JUNE 8, 2020

S-6 Discussion and possible action regarding alternative meeting dates and locations

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 9:31 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](tel:512-974-2202)/elaine.ramirez@austintexas.gov or Board Secretary Diana Ramirez, Development Services, at [512-974-2241](tel:512-974-2241)/diana.ramirez@austintexas.gov , for additional information; *TTY users route through Relay Texas at 711.*

For more information on the Board of Adjustment, please contact Board Liaison, Elaine Ramirez, Development Services, at [512-974-2202](tel:512-974-2202)/elaine.ramirez@austintexas.gov.