



MINUTES

Special Meeting of the Board of Adjustment Monday, June 8, 2020

Board of Adjustment to be held June 8, 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 (June 7 before Noon).** All public comment will occur at the beginning of the meeting.

To speak remotely at the **June 8, 2020 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, (June 7, 2020). 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

June 8, 2020

The Board of Adjustment meeting convened on Monday, June 8, 2020 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live>.

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:39 p.m.

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

Board Members Absent: Melissa Hawthorne (Vice Chair)

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 May 11, 2020 draft minutes

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

Board Member Brooke Bailey motions to approve the minutes for May 11, 2020 with corrections on the abstained votes, Board member Ada Corral seconds on a vote 10-0-1 (Board member Veronica Rivera abstained); APPROVED MINUTES FOR May 11, 2020 WITH CORRECTIONS ON THE ABSTAINED VOTES.

B. DISCUSSION AND REQUESTED ACTION ITEM

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

Item P-1 applicant is requesting postponement to July 13, 2020; Board member Michael Von Ohlen motions to Grant applicant's postponement request to August 10, 2020, Board member Jessica Cohen seconds on a vote 11-0; ITEM P-1 POSTPONED TO AUGUST 10, 2020.

C. SIGNS NEW PUBLIC HEARINGS

NONE

D. SIGNS PREVIOUS POSTPONEMENTS

**D-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 D-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.

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

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

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

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

a) Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) (C) to exceed sign area from one (1) 150 sq. ft. (maximum allowed) to two (2) 217 sq. ft. each (requested) wall signs on South and West sides.

b) Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) (G) illuminate both signs 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. Applicant is proposing face-lit signs illuminated by LEDs.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant only the south building elevation sign and Deny the west elevation sign, Board Member Rahm McDaniel seconds on an 11-0 vote; GRANTED ONLY THE SOUTH BUILDING ELEVATION SIGN AND DENIED THE WEST ELEVATION SIGN.

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 C15-2020-0022 Michael Synowiec
305 West 45th Street**

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

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

- a) Section 25-2-492 (Site Development Regulation and NCCD requirements) to decrease the minimum lot size of 5,750 sq. ft. (required) to 1,985 sq. ft. (requested)
- b) Section 25-2-492 (Site Development Regulations and NCCD requirements) to decrease the minimum Lot Width from 50 ft. to 39 ft.
- c) Section 25-6 (Parking Requirements Appendix A) to decrease required parking spaces of 2 spaces (Required) to 1 space (requested) in order to remodel and add a 2nd FL addition to a Single-Family residence in an “SF-3-HD-NCCD-NP”, Single-Family Residence-Neighborhood Conservation Combining District Neighborhood Plan zoning district. (Hyde Park NCCD Neighborhood Plan)

Note: NCCD Ordinance No.'s 20020131-20 and 20120112-086. Increase in parking requirements is triggered by 2nd FL. Addition.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant, Board Member Brooke Bailey seconds on an 10-1 vote (Board member Darryl Pruett nay); GRANTED.

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

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

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 AUGUST 10, 2020

**P-2 C15-2020-0010 Travis Young for Daniel & Amy Coops
71 Julius Street**

On-Line Link: [Item P-2 Part1, Part2, Part3](#)

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 Michael Von Ohlen, Board Member Rahm McDaniel motions to postpone to July 13, 2020, Board Member William Hodge seconds on an 11-0-1 vote (Board member Don Leighton-Burwell abstained); POSTPONED TO JULY 13, 2020.

**P-3 C15-2020-0016 Chris Paladino
4013 Clawson Road**

On-Line Link: [Item P-3 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 Rahm McDaniel motions to Grant with conditions as previously approved variance dated February 12, 2018 (C15-2017-0065), Board Member Brooke Bailey seconds on an 11-0-1 vote (Board member William Hodge abstained); GRANTED WITH CONDITIONS AS PREVIOUSLY GRANTED VARIANCE DATED FEBRUARY 12, 2018 (C15-2017-0065):

- 1) GARAGE ON BOTH UNITS STAY AS ONE STORY WITH NO HABITABLE SPACE, AND THAT**
- 2) SUBDIVISION BE COMPLIANT WITH THE SOUTH LAMAR FLOOD MITIGATION PLAN (10% CAPTURE) EVEN THOUGH SINGLE FAMILY USE IS PROPOSED AND THIS WOULD NOT OTHERWISE BE REQUIRED, AND THAT**
- 3) A SCREENED AREA FOR ALL TRASH RECEPTACLES BEHIND THE PROPERTY LINE BE PLANNED FOR AT SUBDIVISION AND ADDED AT CONSTRUCTION.**

**P-4 C15-2020-0020 Jennifer Hanlen for Durham Trading Partners XII
1401 E. 3rd Street**

On-Line Link: [Item P-4 Part1, Part2, Part3 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 Don Leighton-Burwell motions to Deny, Board Member Michael Von Ohlen seconds on a 10-1 vote (Board member Veronica Rivera nay and William Hodge abstained); DENIED.

**Q. VARIANCE RECONSIDERATIONS
NONE**

**R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**

S. NEW BUSINESS

**S-1 Discussion of the May 11, 2020 Board activity report
On-Line Link: [Item S-1](#)
DISCUSSED; CONTINUE TO JULY 13, 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 JULY 13, 2020

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

DISCUSSED; CONTINUE TO JULY 13, 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 JULY 13, 2020

- 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; CONTINUE TO JULY 13, 2020

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

DISCUSSED; CONTINUE TO JULY 13, 2020

- S-7 Discussion and possible action regarding Election of Officers

Board Member Michael Von Ohlen motions to maintain Don Leighton-Burwell as Chair and Melissa Hawthorne as Vice-Chair, Jessica Cohen seconds on a unanimous vote; APPROVED DON LEIGHTON-BURWELL AS CHAIR AND MELISSA HAWTHORNE AS VICE-CHAIR.

- S-8 Discussion and possible action regarding UNO Sign regulations

On Line Link: [Item S-8](#)

DISCUSSED; CONTINUE TO JULY 13, 2020

- 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 8:24 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.