



MINUTES

Special Meeting of the Board of Adjustment July 13, 2020

Board of Adjustment to be held July 13, 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 (July 12, 2020 by Noon)**. All public comment will occur at the beginning of the meeting.

To speak remotely at the **July 13, 2020, Board of Adjustment** Meeting, residents must:

- Call or email the board liaison, Elaine Ramirez at **512-974-2202** or **elaine.ramirez@austintexas.gov** no later than noon, (July 12, 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.
- Handouts or other information may be emailed to **elaine.ramirez@austintexas.gov** by Noon the day before **July 12, 2020** the scheduled meeting. This information will be provided to Board and Commission members in advance of the meeting.
- If this meeting is broadcast live, residents may watch the meeting here:
<http://www.austintexas.gov/page/watch-atxn-live>



MEETING MINUTES
July 13, 2020

The Board of Adjustment meeting convened on Monday, July 13 2020 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live> .

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:51 p.m.

Board Members in Attendance: Jessica Cohen, Melissa Hawthorne (Vice Chair), 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: Brooke Bailey and Ada Corral

Board Staff in Attendance: Elaine Ramirez (Board Liaison) Lee Simmons (Board Attorney)

Board Staff Absent: Diana Ramirez (Board Secretary)

A. DISCUSSION AND REQUESTED ACTION ITEM

A-1 Staff requests approval of June 8, 2020 draft minutes

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

Board Member Jessica Cohen motions to approve the minutes for June 8, 2020- Item P-2 clarification only needed to show abstention if only participating in vote, Board member Veronica Rivera seconds on a vote 10-0 (Board member Melissa Hawthorne abstained); APPROVED MINUTES FOR JUNE 8, 2020 FOR ITEM P-2 CLARIFICATION ONLY NEEDED TO SHOW ABSTENTION IF ONLY PARTICIPATING IN VOTE.

B. DISCUSSION AND REQUESTED ACTION ITEM

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

NO POSTPONEMENTS/WITHDRAWALS

C. SIGNS NEW PUBLIC HEARINGS

C-1 C16-2020-0003 Joe Bucher for Mark Schlossberg
14231 Tandem Boulevard

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

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

a) Section 25-10-124 (Scenic Roadway Sign District) (B) (1) (b) to increase the maximum sign area on a lot from 64 square feet (allowed) to 247.87 square feet (requested)

b) Section 25-10-125 (B) (2) from 12 feet (allowed) to 30 feet (requested) overall height in order to erect an architectural feature/pylon Free-standing sign located at this site in the “2 mi.-ETJ”, Scenic Roadway Sign District.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Deny, Board Member Rahm McDaniel seconds on An 10-1 vote (Board member Melissa Hawthorne nay); DENIED.

D. SIGNS RECONSIDERATIONS

**D-1 C16-2020-0002 Alkesh Patel for Lion Veldt
2600 Brockton Drive**

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

Board member Michael Von Ohlen motions to reconsider the reconsideration request, Board member Melissa Hawthorne seconds on 10-0 votes; The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant two signs, one south and one west side with west side illuminated and that it does not exceed 217 square feet, Board Member Darryl Pruett seconds on an 10-1 vote (Board member Kelly Blume nay); GRANTED TWO SIGNS, ONE SOUTH AND ONE WEST SIDE WITH WEST SIDE ILLUMINATED AND THAT IT DOES NOT EXCEED 217 SQUARE FEET.

E. VARIANCES NEW PUBLIC HEARINGS

E-1 C15-2020-0029 Ryan Bollom for John S Peet

1711 Waterston Avenue

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

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

1. Setback requirements to decrease the minimum interior side setback from 5 feet (required) to 3ft. 6 in. (requested)
2. Setback requirements to decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested)
3. Building Cover requirements to increase from 40% (maximum allowed) to 55% (requested)
4. Impervious Cover requirements to increase from 45% (maximum allowed) to 65% (requested)

in order to construct an addition to an existing Single-Family residence in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Old West Austin Neighborhood Plan)

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to August 10, 2020, Board Member Jessica Cohen seconds on a 11-0 vote; POSTPONED TO AUGUST 10, 2020.

**E-2 C15-2020-0030 Janis J. Smith for Robert Kubiak
4726 Bunny Run**

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

The applicant is requesting a variance(s) from LDC Section 25-2-963 (*Modification and Maintenance of Non-Complying Structures*) from (D) (2) (a) to move the docks by consolidating them into one dock in a code-compliant location and raise the top of the rail elevation on the 2-slip dock from 13 ft. to 16 ft. in order to erect a boat dock in an “LA”, Lake Austin zoning district.

*Note: LDC 25-10-963 states the following: (D) The following requirements must be met in order to repair, reinforce, modify, or maintain a non-complying dock, bulkhead, or shoreline access as defined in [Section 25-2-1172 \(Definitions\)](#): (2) except as allowed under Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*):(a) the location and footprint may not be altered; and (b)the degree of noncompliance may not be increased.*

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

F. VARIANCES PREVIOUS POSTPONEMENTS

**F-1 C15-2020-0010 Travis Young for Daniel & Amy Coops
71 Julius Street**

On-Line Link: [Item F-1 Part1, Part2, Part3 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 Melissa Hawthorne, Board Member Michael Von Ohlen motions to Grant, Board Member Jessica Cohen seconds on an 8-2 vote (Board members Melissa Hawthorne and Darryl Pruett nay; Chair Don Leighton-Burwell abstained); DENIED.

G. VARIANCE RECONSIDERATIONS

**G-1 C15-2020-0020 Durham Trading Partners XII
1401 E. 3rd Street**

On-Line Link: [Item G-1 Part1, Part2, Part3, Part4, Part5, Part6 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

Board member Melissa Hawthorne motions to reconsider the reconsideration request, Board member Rahm McDaniels seconds on 5-5 votes (Board members Jessica Cohen, Darryl Pruett, Michael Von Ohlen, Kelly Blume and Martha Gonzalez nay); RECONSIDERATION REQUEST DENIED.

H. NEW BUSINESS

H-1 Discussion of the June 8, 2020 Board activity report

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

DISCUSSED; CONTINUED TO AUGUST 10, 2020

H-2 Discussion and possible action regarding the Board’s Annual Internal Review Report to Council

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

Board member William Hodge motions to Approve Annual Internal Review Report, Board member Jessica Cohen seconds on 11-0 votes; APPROVED.

H-3 Discussion and possible action regarding on an Open BOA Alternate Position; need Mayor Adler to make appointment, ASAP

DISCUSSED; CONTINUED TO AUGUST 10, 2020

H-4 Discussion and possible action regarding on Staff & PC Coordination Workgroup (Leighton-Burwell, Hawthorne, Von Ohlen & Bailey); coordination with COA Planning Staff (including reporting, presentations and general accountability) and Planning Commission (including LDC overlap (e.g. Sign Regulations, etc).

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

DISCUSSED; CONTINUED TO AUGUST 10, 2020

H-5 Discussion and possible action regarding UNO Sign regulations – requesting presentation by City Staff (Jerry Rusthoven or Andy Linseisen)

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

DISCUSSED; CONTINUED TO AUGUST 10, 2020

H-6 Discussion and possible action regarding on the draft LDC; BOA LDC Workgroup Report (Workgroup Members: Leighton-Burwell, Hawthorne, Cohen, Hodge and Smith)

DISCUSSED; CONTINUED TO AUGUST 10, 2020

H-7 Discussion and possible action regarding on the FY 2020-21 Budget Calendar - postponed workshop/training for BOA (**Workgroup members: Cohen, Von Ohlen, Smith**)

DISCUSSED; BUDGET RECOMMENDATIONS- ONLY STAFF TRAINING/FOOD FOR TRAINING/WORKSHOP. CONTINUED TO AUGUST 10, 2020

H-8 Discussion and possible action regarding on the Number of Allowed Postponements; BOA Workgroup (Workgroup Members: Leighton-Burwell, Cohen and Bailey)

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

Board member Rahm McDaniel motions to Approve, Board member Michael Von Ohlen seconds on 11-0 votes; APPROVED.

- H-9** 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; CONTINUED TO AUGUST 10, 2020

- H-10** Discussion and possible action regarding alternative meeting dates and locations

DISCUSSED; CONTINUED TO AUGUST 10, 2020

- H-11** Announcements

Board member Veronica Rivera will not be at August 10, 2020 meeting

- H-12** Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

I. ADJOURNMENT 8:48 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.