



MINUTES

Special Meeting of the Board of Adjustment October 12, 2020

Board of Adjustment to be held October 12, 2020 with Social Distancing Modifications

The Board of Adjustment on October 12, 2020, due to current situation with COVID-19, the meeting will be held virtually online and viewable at <http://www.atxn.tv> beginning at 5:30pm.

Public comment will be allowed via telephone; no in-person input will be allowed. **All speakers must register in advance (October 11, 2020 by Noon)**. All public comment will occur at the beginning of the meeting.

To speak remotely at the **October 12, 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, (**October 11, 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 **October 11, 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>

Reunión del **Board of Adjustment**

FECHA de la reunion (**October 12, 2020**) a la 5:30 pm

<http://www.atxn.tv>

La junta se llevará con modificaciones de distanciamiento social

Se permitirán comentarios públicos por teléfono; no se permitirá ninguna entrada en persona. Todos los oradores deben registrarse con anticipación (**October 11, 2020** antes del mediodía). Todos los comentarios públicos se producirán al comienzo de la reunión.

Para hablar de forma remota en la reunión, los residentes deben:

- Llame o envíe un correo electrónico al enlace de la junta a Elaine Ramirez 512-974-2202 o elaine.ramirez@austintexas.gov a más tardar al mediodía (el día antes de la reunion-**October 11, 2020**). La información requerida es el nombre del orador, los números de artículo sobre los que desean hablar, si están a favor / en contra / neutrales, y un número de teléfono o dirección de correo electrónico.
- Una vez que se haya llamado o enviado por correo electrónico una solicitud para hablar al enlace de la junta, los residentes recibirán un correo electrónico o una llamada telefónica con el número de teléfono para llamar el día de la reunión programada.
- Los oradores deben llamar al menos 15 minutos antes del inicio de la reunión para poder hablar, no se aceptarán personas que llamen tarde y no podrán hablar.
- Los oradores se colocarán en una fila hasta que llegue el momento de hablar.
- Los folletos u otra información pueden enviarse por correo electrónico a elaine.ramirez@austintexas.gov antes del mediodía del día anterior a la reunión programada. Esta información se proporcionará a los miembros de la Junta y la Comisión antes de la reunión.
- Si esta reunión se transmite en vivo, los residentes pueden ver la reunión aquí: <http://www.austintexas.gov/page/watch-atxn-live>



MEETING MINUTES

October 12, 2020

The Board of Adjustment meeting convened on Monday, October 12, 2020 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live> .

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:48 p.m.

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

Board Members Absent: Ada Corral and Yasmine Smith

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

A. DISCUSSION AND REQUESTED ACTION ITEM

A-1 Staff requests approval of September 14, 2020 draft minutes

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

Board Member Brooke Bailey motions to approve the minutes for September 14, 2020, Board member Veronica Rivera seconds on a vote 9-0; APPROVED MINUTES FOR September 14, 2020

B. DISCUSSION AND REQUESTED ACTION ITEM

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

Item C-2: Applicant is requesting postponement to December 14, 2020

Board member Melissa Hawthorne motions to Grant applicant's postponement request for Item C-2 to December 14, 2020, Board member Brooke Bailey seconds on a vote 11-0 vote; GRANTED APPLICANT'S POSTPONEMENT REQUEST FOR ITEM C-2 TO December 14, 2020.

C. VARIANCES NEW PUBLIC HEARINGS

C-1 C15-2020-0050 Rick Rasberry for Meredith Dreiss
3002 Scenic Drive

On-Line Link: [Item C-1 Part1, Part2, Part3, Part4, Part5, PRESENTATION](#)

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) (A) (4) (a) to increase shoreline frontage from 20 percent (maximum allowed) to 30 percent (requested), (30 percent existing) in order to remodel an existing Boat Dock in a “LA”, Lake Austin zoning district.

Note: This section of the Land Development Code (4) the Width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, may not exceed: (a) 20 percent of the shoreline frontage, if the shoreline width exceeds 70 feet.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Don Leighton-Burwell motions to Postpone to November 9, 2020, Board Member Michael Von Ohlen seconds on an 11-0 vote; POSTPONED TO NOVEMBER 9, 2020.

C-2 C15-2020-0053 Michael Gaudini for Thomas Bercy
900 Old Koenig Lane & 5916 N. Lamar Boulevard

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

The applicant is requesting a variance(s) to decrease the required setback and increase the maximum allowable height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*)

- a) (B) (2) reduce setback from 25 feet (minimum allowed) to 0 feet (requested)
- b) (C) (1) (b) increase height limit from 30 feet (maximum allowed) to 60 feet (requested)
- c) (C) (2) (b) increase height limit from 40 feet (maximum allowed) to 60 feet (requested) in order to erect Vertical Mixed Use project with on-site affordable units in a “CS-MU-V-CO-NP”, General Commercial Services – Mixed Use – Vertical Mixed Use - Conditional Overlay – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

Note: The Land Development Code Section 25-2-1063 (B) A person may not construct a structure 25 feet or less from property: (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

(C) The height limitation for a structure are: (1) two stories and 30 feet, if the structure is 50 feet or less from the property; (b) on which a use is permitted in an “SF-5” or more restrictive zoning district; or (2) three stories and 40 feet if the structure is more than 50 feet and not more than 100 feet from property: (b) on which a use is permitted in an “SF-5” or more restrictive zoning district is located.

Board Member Melissa Hawthorne motions to Postpone to December 14, 2020, Board Member Brooke Bailey seconds on an 11-0 vote; POSTPONED TO DECEMBER 14, 2020.

**C-3 C15-2020-0054 Mari Russ for Matthew Satter
3612 Govalle Avenue**

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

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-774 (*Two-Family Residential Use*) (C) (5)

(a) to increase the total area of a Second Dwelling Unit; unit not to exceed 1,100 total square feet or Floor to Area Ratio of 0.15, whichever is smaller (maximum allowed) to 2,000 square feet (requested) and

(b) to increase the second floor area of a Second Dwelling Unit; 550 square feet on second floor (maximum allowed) to 1,100 square feet (requested) in order to erect an Accessory Dwelling Unit in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

Note: 25-2-774 (C) The Second Dwelling Unit: (5) may not exceed: (a) 1,100 total square feet or a floor-to-area ration of 0.15, whichever is smaller; and (b) 550 square feet on the second story, if any; and (6) may not be used as a Short Term Rental for more than 30 days in a calendar year if the second dwelling unit was constructed after October 1, 2015.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member William Hodge motions to Postpone to November 9, 2020, Board Member Darryl Pruetts seconds on an 11-0 vote; POSTPONED TO NOVEMBER 9, 2020.

**C-4 C15-2020-0057 Lauren Jones for Bryan E. Mayo
901 Terrell Hill Drive**

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

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*)

a) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 15 feet (requested) and

b) from Section 25-2 Subchapter F, Residential Design and Compatibility Standards, Article 3, 3.3 to increase the finished floor elevation of the first story from 3 feet

(maximum allowed) to 8 feet (requested) above the "average elevation" in order to erect a Single Family Residence in a SF-3”, Single-Family Residence zoning district.

Note: Article 3, 3.3.3 (B) (2) Gross Floor Area states Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area: (B) 2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to November 9, 2020, Board Member Rahm McDaniel seconds on a 10-1 vote (Board member Darryl Pruett nay); POSTPONED TO NOVEMBER 9, 2020.

**C-5 C15-2020-0059 Stephen Valdez for Robert Sparks
6004 Sierra Grande**

On-Line Link: [Item C-5, PRESENTATION PART1, PRESENTATION PART2](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 17 feet (requested) in order to complete a Carport in a SF-2”, Single-Family Residence zoning district.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Deny, Board Member Brooke Bailey seconds on an 11-0 vote; DENIED.

D. VARIANCES PREVIOUS POSTPONEMENTS

**D-1 C15-2020-0042 Harmony Grogan for Jessie Patton-Levine
2202 West 49th Street**

On-Line Link: [Item D-1 PART1, PART2, PART3, PART4, PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-947 (*Nonconforming Use Regulation Groups*) (B) (2) to increase the improvement value from 20% of \$69,983 (allowed) to \$150,000 (requested) in order to complete a remodel and addition to an existing single-family residence in a “SF-3-NP” Single-Family Residence zoning district

Note: Per LDC for a Nonconforming Use - A person may improve, enlarge, or structurally alter a structure if the cost does not exceed 20 percent of the value of the structure before the improvement.

Per applicant: The improvements allowed, or 20% of the value equals \$13,996. Per code, we are able to make improvements of \$13,996 and we are asking to make improvements of \$150,000.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant as per site plan D-1/40, D-1/42 and D-1/44,

Board Member Jessica Cohen seconds on an 11-0 vote; GRANTED AS PER SITE PLAN D-1/40, D-1/42 AND D-1/44.

E. NEW BUSINESS

E-1 Discussion of the August 10, 2020 Board activity report

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

DISCUSSED, CONTINUE TO November 9, 2020

E-2 Discussion and possible action regarding postponed BOA Trainings (including new topic “Area Character”); Staff & PC Coordination Workgroup (Leighton-Burwell, Hawthorne, Von Ohlen & Bailey); and, 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 E-2](#)

DISCUSSED, CONTINUE TO November 9, 2020

E-3 Discussion and possible action regarding UNO Sign regulations – requesting presentation by City Staff (Jerry Rusthoven).

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

DISCUSSED, CONTINUE TO November 9, 2020

E-4 Discussion and possible action regarding staff guidance on LA (Lake Austin) cases (in particular, the intent of increased setback requirements – environmental or other purpose?)

DISCUSSED, CONTINUE TO November 9, 2020

E-5 Discussion and possible action regarding on the FY 2020-21 Budget Calendar - New Workgroup (Cohen, Smith and Von Ohlen) to look at access to BOA for lower income applicants and possible funding to help those without resources to pay current fees.

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

DISCUSSED, CONTINUE TO November 9, 2020

E-6 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)

- Transportation Criteria Manual (e.g. Gas Islands)
- Regular BOA Issues that might trigger Code Revision

DISCUSSED, CONTINUE TO November 9, 2020

- E-7** Discussion and possible action regarding on the draft LDC; BOA LDC Workgroup Report (Workgroup Members: Leighton-Burwell, Hawthorne, Cohen, Hodge and Smith)

DISCUSSED, CONTINUE TO November 9, 2020

- E-8** Discussion and possible action regarding alternative meeting dates and locations

DISCUSSED, CONTINUE TO November 9, 2020

- E-9** Announcements

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

F. ADJOURNMENT 8:52PM

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.