



MINUTES

Special Meeting of the Board of Adjustment November 9, 2020

Board of Adjustment to be held November 9, 2020 with Social Distancing Modifications

The Board of Adjustment on November 9, 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 (November 8, 2020 by Noon)**. All public comment will occur at the beginning of the meeting.

To speak remotely at the **November 9, 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, (**November 8, 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 **November 8, 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 (**November 9, 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 (**November 8, 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-**November 8, 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 (**November 8, 2020**) 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
November 9, 2020

The Board of Adjustment meeting convened on Monday, November 9, 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, Jessica Cohen, Ada Corral, Melissa Hawthorne (Vice Chair), William Hodge, Don Leighton-Burwell (Chair), Rahm McDaniel, Darryl Pruett, Veronica Rivera, Yasmine Smith, Donny Hamilton (Alternate)

Board Members Absent: Michael Von Ohlen

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

CALL TO ORDER 5:35 PM

CITIZEN COMMUNICATION: GENERAL

The first (4) four speakers who register to speak no later than noon the day before the meeting will be allowed a three-minute allotment to address their concerns regarding **items not posted on the agenda.**

NONE

A. DISCUSSION AND REQUESTED ACTION ITEM

A-1 Staff requests approval October 12, 2020 draft minutes

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

Board Member Melissa Hawthorne motions to approve the minutes for October 12, 2020, Board member Brooke Bailey seconds on a 9-0-1 vote (Board member Yasmine Smith abstained); APPROVED MINUTES FOR October 12, 2020.

B. DISCUSSION AND REQUESTED ACTION ITEM

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

Item E-3: Applicant is requesting postponement to January 11, 2021

Board member Brooke Bailey motions to Grant applicant's postponement

request for Item E-3 to January 11, 2021, Board member Melissa Hawthorne seconds on an 11-0 vote; GRANTED APPLICANT'S POSTPONEMENT REQUEST FOR ITEM E-3 TO JANUARY 11, 2021.

C. SIGNS NEW PUBLIC HEARINGS

**C-1 C16-2020-0007 Eric Beegun for Tim Finley
2234 Guadalupe Street**

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

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) (G) to allow for one (1) wall sign, one (1) blade sign, and a vinyl letter board, all illuminated in order to provide signage for Sweetgreen restaurant in a "CS-CO-NP", General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University)

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 Rahm McDaniel motions to Grant, Board Member Brooke Bailey seconds on an 10-0 -1 vote (Board member Melissa Hawthorne abstained); GRANTED.

D. VARIANCES NEW PUBLIC HEARINGS

**D-1 C15-2020-0058 Laurence M. Ramirez
301 North Pleasant Valley Road**

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

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

- a) to decrease the minimum lot size requirement from 8,000 square feet (required) to 6,325 square feet (requested)
- b) to decrease the minimum lot width from 50 feet (required) to 46 feet (requested)

in order to erect a three story Multi-Family residence in a "MF-2-NP", Multi-Family Residence – Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Rahm McDaniel motions to Deny, Board Member Melissa Hawthorne seconds on a 9-1-1 vote (Board members Jessica Cohen nay; William Hodge abstained); DENIED.

D-2 C15-2020-0062 Desra Bradford for Stacey Durham

13000 Kenswick Drive

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

The applicant is requesting a variance(s) from LDC Section 25-2-492 (D) (Site Development Regulations) in order to increase the impervious cover from 45% (maximum allowed) to 46.18% (requested), in order to construct an Inground Swimming Pool 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 William Hodge seconds on an 11-0 vote; DENIED.

**D-3 C15-2020-0065 Joel Nolan for Sarah Haynie
3708 Robinson Avenue**

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

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-774 (*Two-Family Residential Use*) (C) (2) (a) which requires an Accessory Dwelling Unit to be located at least 10 feet to the rear or side of the principal structure, to 6 ft. 7 in. from the principal structure (requested) in order to erect a Two-Family Residential Use in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan)

Note: Per LDC the second Dwelling Unit must be contained in a structure other than the principal structure and a) must be located at least 10 feet to the rear or side of the principal structure; or b) above a detached garage.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Grant with conditions as per drawing D-3/9, No Short-term rental (STR), 1 hr. fire rating on portion less than 10 ft. and Impervious coverage to 42%, Board Member Veronica Rivera seconds on an 11-0 vote; GRANTED WITH CONDITIONS AS PER DRAWING D-3/9, NO SHORT-TERM RENTAL (STR), 1 HR. FIRE RATING ON PORTION LESS THAN 10 FT. AND IMPERVIOUS COVERAGE TO 42%.

**D-4 C15-2020-0066 Joel L. Aldridge, AIA for Josephat Valdez
1509 East 14th Street**

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

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

- a) 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)
- b) Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested)

c) 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 2 spaces (required) to 0 spaces (requested)

in order to erect a new Single-Family Residence in a SF-3-NP”, Single-Family Residence – Neighborhood Plan zoning district (Central East Austin Neighborhood Plan).

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to December 14, 2020, Board Member Veronica Rivera seconds on an 11-0 vote; POSTPONED TO DECEMBER 14, 2020.

**D-5 C15-2020-0068 Courtney Mogonue-McWhorter for Peter Huff
3115 Westlake Drive**

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

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-551 (Lake Austin (LA) District Regulations)

a) (B) (1) (a) from shoreline setback requirements to reduce the shoreline setback from 75 feet (required) to 15 feet (requested) (Canal only)

b) (C) (3) (a) increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (allowed) to 40 percent (requested) in order to erect a new Single-Family Residential Guest House in an “LA”, Lake Austin zoning district.

Note: This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or a tract that is not required to be platted.

The above address received a Land Status Determination, which shows that the tract is not required to be platted as allowed under (C)(3). The grandfather date is 7/19/1951.

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

**D-6 C15-2020-0069 Courtney Mogonye-McWhorter for Malia Muir
1230 Rockcliff Drive**

On-Line Link: [Item D-6; PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-551 (Lake Austin (LA) District Regulations) (B) (1) (b) from shoreline setback requirements to reduce the shoreline setback from 25 feet (required) to 10 feet (requested) (canal only) in order to erect a Single-Family Residence in an “LA”, Lake Austin zoning district.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to December 14, 2020, Board Member

Brooke Bailey seconds on a 9-2 vote (Board members Jessica Cohen and Donny Hamilton nay); POSTPONED TO DECEMBER 14, 2020.

E. VARIANCES PREVIOUS POSTPONEMENTS

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

[On-Line Link: E-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 Melissa Hawthorne motions to Grant as per E-1/2 PRESENTATION with a footprint of 25 ft. x 22 ft. (the 25 ft length being parallel to Lake Austin) and utilizing existing pilings. Board Member Jessica Cohen seconds on an 11-0 vote; GRANTED AS PER E-1/2 PRESENTATION WITH A FOOTPRINT OF 25 FT. X 22 FT. (THE 25 FT LENGTH BEING PARALLEL TO LAKE AUSTIN) AND UTILIZING EXISTING PILINGS.

**E-2 C15-2020-0054 Mari Russ for Matthew Satter
3612 Govalle Avenue**

[On-Line Link: E-2 PART1, PART2, PART3; 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 Melissa Hawthorne motions to Grant, Board Member Rahm McDaniel seconds on a 7-4 vote (Board members Brooke Bailey, Don Leighton-Burwell, Darryl Pruett, Donny Hamilton nay); DENIED.

**E-3 C15-2020-0057 Lauren Jones for Bryan E. Mayo
901 Terrell Hill Drive**

On-Line Link: [Item E-3; 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.

POSTPONED TO JANUARY 11, 2021 AS PER APPLICANT'S REQUEST

F. NEW BUSINESS

F-1 Discussion of the October 12, 2020 Board activity report

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

DISCUSSED, CONTINUE TO December 14, 2020

F-2 Discussion and possible action for adopting BOA meeting schedule for Jan 2021– Dec 2021 (2nd Monday of the month)

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

Board Member Veronica Rivera motions to Approve BOA meeting schedule for 2021, Board Member Melissa Hawthorne seconds on an 11-0 vote; APPROVED BOA MEETING SCHEDULE FOR 2021.

F-3 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 F-3](#)

DISCUSSED, CONTINUE TO December 14, 2020

- F-4** Discussion and possible action regarding UNO Sign regulations – requesting presentation by City Staff (Jerry Rusthoven).

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

DISCUSSED, CONTINUE TO December 14, 2020

- F-5** 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 December 14, 2020

- F-6** 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 F-6](#), [Item F-6 UPDATE](#)

DISCUSSED, CONTINUE TO December 14, 2020

- F-7** 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 December 14, 2020

- F-8** 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 December 14, 2020

- F-9** Discussion and possible action regarding alternative meeting dates and locations

DISCUSSED, CONTINUE TO December 14, 2020

F-10 Announcements

F-11 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

G. **ADJOURNMENT 9:39 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.