

**Versión en español a continuación.**

## **Board of Adjustment MINUTES January 11, 2021**

### **Board of Adjustment to be held January 11, 2021 with Social Distancing Modifications**

Public comment will be allowed via telephone; no in-person input will be allowed. **All speakers must register in advance (January 10, 2021 by noon).** All public comment will occur at the beginning of the meeting.

To speak remotely at the January 11, 2021 Board of Adjustment Meeting, members of the public must:

- Call or email the board liaison at **512-974-2202** or [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov) no later than noon, **(January 10, 2021 the day before the meeting)**. The following information is required: speaker name, item number(s) they wish to speak on, whether they are for/against/neutral, email address and telephone number (must be the same number that will be used to call into the meeting).
- Once a request to speak has been made to the board liaison, the information to call on the day of the scheduled meeting will be provided either by email or phone call.
- Speakers must call in at least 15 minutes prior to meeting start time 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](mailto:elaine.ramirez@austintexas.gov) by noon the day before the scheduled meeting. This information will be provided to Board and Commission members in advance of the meeting.
- If the meeting is broadcast live, it may be viewed here: <http://www.austintexas.gov/page/watch-atxn-live>

## Minutos del Board of Adjustment

### FECHA de la reunion (January 11, 2021)

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 (**January 10, 2021** antes del mediodía). Todos los comentarios públicos se producirán al comienzo de la reunión.

Para hablar de forma remota en la reunión, los miembros del público deben:

- Llame o envíe un correo electrónico al enlace de la junta en **512-974-2202** o [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov) a más tardar al mediodía (**January 10, 2021 el día antes de la reunión**). Se requiere la siguiente información: nombre del orador, número (s) de artículo sobre el que desean hablar, si están a favor / en contra / neutral, dirección de correo electrónico (opcional) y un número de teléfono (debe ser el número que se utilizará para llamar ).
- Una vez que se haya realizado una solicitud para hablar con el enlace de la junta, la información para llamar el día de la reunión programada se enviará por correo electrónico o por teléfono.
- 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.
- Las oradoras esperarán 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](mailto: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 la reunión se transmite en vivo, se puede ver aquí: <http://www.austintexas.gov/page/watch-atxn-live>



**MEETING MINUTES**

**January 11, 2021**

The Board of Adjustment meeting convened on Monday, January 11, 2021 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live> .

**Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:33 p.m.**

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

**Board Members Absent:** Brooke Bailey, Veronica Rivera, Donny Hamilton (Alternate) not available

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

**CALL TO ORDER 5:33 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 December 14, 2020 draft minutes

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

**Board Member Jessica Cohen motions to approve the minutes for December 14, 2020, Board member Melissa Hawthorne seconds on a 9-0 vote; APPROVED MINUTES FOR December 14, 2020.**

**B. DISCUSSION AND REQUESTED ACTION ITEM**

**B-1** Staff and Applicant requests for postponement and withdraw of items posted on this Agenda

**Items C-2, D-2, and E-2 requesting postponement to Feb 8, 2021 and Item E-1 requesting withdrawal.**

**Board Member Melissa Hawthorne motions to approve the postponement requests Items C-2, D-2 and E-2 to February 8, 2021 and withdrawal request Item E-1;**

**Board member Darryl Pruett seconds on a 9-0 vote; APPROVED  
POSTPONEMENT REQUESTS FOR ITEMS C-2, D-2 AND E-2 TO FEBRUARY  
8, 2021 AND WITHDRAWAL REQUEST FOR ITEM E-1.**

**C. SIGNS NEW PUBLIC HEARINGS**

**C-1 C16-2021-0001 Claudia Salguero for Kate Ontes  
2402 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*) (H) to allow for illumination of two (2) wall signs and two (2) projecting signs in order to provide signage for CVS in a “CS-CO-NP”, General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

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

**Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES.**

**C-2 C16-2021-0003 Michael Gaudini for Timothy Finley  
2552 Guadalupe Street**

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

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*), requesting a total of 12 signs on the property:

- a) (F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
- b) (G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
- c) (H) to allow for all twelve (12) signs, nine (9) on the northern, one (1) on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a “CS-CO-NP”, General Commercial Services- Conditional Overlay Combining District– Neighborhood Plan zoning district. (West University Neighborhood Plan)

*Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (F) No signs may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or*

*otherwise inlaid to become part of the building.(G) A wall sign is permitted if the sign complies with this subsection. (I) One projecting sign for each building façade is permitted (H) A sign may not be illuminated or contain electronic images or moving parts.*

**POSTPONED TO FEBRUARY 8, 2021 (Board member Melissa Hawthorne abstaining)**

## D. VARIANCES NEW PUBLIC HEARINGS

**D-1 C15-2020-0025 David Cancialosi for John Riley  
3707 Rivercrest Drive**

**On-Line Link: [Item D-1 PART1; PART2, PART3, PART4, PART5, PART6; PRESENTATION](#)**

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

(a) 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum front yard setback from 40 feet (required) to 10 feet 5 inches (requested for stairs), and 20 feet (requested for new garage). No structure currently existing.

(b) Section 25-2-551 (Lake Austin District Regulations) (E) (2) to increase maximum impervious cover on a slope gradient more than 35 percent from 0 (zero) percent (not allowed) to 11.5 percent (requested) in order to erect a Single-Family Residence in a "LA", Lake Austin zoning district.

*Note: LDC Section 25-2-551 (E) (2) On a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.*

**Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES.**

**D-2 C15-2020-0067 Linda Sullivan for Michael and Jeanette Abbink  
1112 Havard Street**

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

The applicant is requesting a variance(s) from the Land Development Code, 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 Single-Family residence in a "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

**POSTPONED TO FEBRUARY 8, 2021**

**D-3 C15-2020-0083 Daniel Salazar for Enez Salinas  
2810 Gonzales Street**

**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) for a Two-Family Residential use location at least 10 feet to the rear or side of the principal structure (required) to 5 feet (requested) in order to erect a Secondary Dwelling Unit in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

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

**Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES.**

**D-4 C15-2021-0001 John Meyer  
703 Fletcher 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) decrease the minimum lot width from 50 feet (required) to 34 feet 9 inches (requested) and

b) from Section 25-2 (Subchapter F, Residential Design and Compatibility Standards, Article 2, Development Standards, 2.6 Setback Planes) to decrease the 45 degree angle side setback plane (required) to 0 degrees (requested) on the west side in order to erect a Single Family Residence in a SF-3”, Single-Family Residence zoning district.

*Note: Article 2, 2.6 (A) Side Setback Plane. Except as provided in subsection B. below, an inwardly sloping 45-degree angle side setback plane begins at a horizontal line 15 feet directly above the side property line. The 15-foot height of the horizontal line is established for 40-foot deep portions of the lot beginning at the building line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep.*

1. For the first portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the building line, and a line 40 feet from and parallel to the building line.

2. For successive portions other than the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines and the appropriate two lines that are 40 feet apart and parallel to the building line.

3. For successive portions other than the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the

side lot lines and the appropriate two lines that are 40 feet apart and parallel to the building line.

**Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES.**

**D-5 C15-2021-0002 John Meyer  
705 Fletcher Street**

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

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

a) Section 25-2-492 (Site Development Regulations) decrease the minimum lot width from 50 feet (required) to 34 feet 9 inches (requested) and

b) from Section 25-2 (Subchapter F, Residential Design and Compatibility Standards, Article 2, Development Standards, 2.6 Setback Planes) to decrease the 45 degree angle side setback plane (required) to 0 degrees (requested) on the east side in order to erect a Single Family Residence in a SF-3”, Single-Family Residence zoning district.

*Note: Article 2, 2.6 (A) Side Setback Plane. Except as provided in subsection B. below, an inwardly sloping 45-degree angle side setback plane begins at a horizontal line 15 feet directly above the side property line. The 15-foot height of the horizontal line is established for 40-foot deep portions of the lot beginning at the building line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep.*

1. *For the first portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the building line, and a line 40 feet from and parallel to the building line.*

2. *For successive portions other than the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines and the appropriate two lines that are 40 feet apart and parallel to the building line.*

3. *For successive portions other than the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines and the appropriate two lines that are 40 feet apart and parallel to the building line.*

**Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES.**

**D-6 C15-2021-0008 Joel Nolan for Sarah Haynie  
3708 Robinson Avenue**

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

The applicant is requesting a variance(s) to amend existing Granted variance C15-2020-0065, to remove the condition related to STR's

**Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES.**

## E. VARIANCES PREVIOUS POSTPONEMENTS

**E-1 C15-2020-0057 Lauren Jones for Bryan E. Mayo  
901 Terrell Hill Drive**

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

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.

**WITHDRAWN BY APPLICANT**

**E-2 C15-2020-0069 Courtney Mogonye-McWhorter for Malia Muir  
1230 Rockcliff Drive**

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

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.

**POSTPONED TO FEBRUARY 8, 2021**

## F. NEW BUSINESS

**F-1 Discussion of the December 14, 2020, 2020 Board activity report**

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

**DISCUSSED, CONTINUE TO February 8, 2021**

- F-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 F-2](#)

**DISCUSSED, CONTINUE TO February 8, 2021**

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

**On Line Link:** [ITEM F-3](#)

**DISCUSSED, CONTINUE TO February 8, 2021**

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

**DISCUSSED, CONTINUE TO February 8, 2021**

- F-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 F-5; UPDATED](#)

**Board Member Melissa Hawthorne motions to approve the draft final fee assistance program for the BOA and pass on to council for consideration; Board member Ada Corral seconds on 9-0 vote.**

- F-6** 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

**Board member Jessica Cohen motions to table this item until the BOA meetings are back to normal in person; Board member Melissa Hawthorne seconds on 9-0 vote.**

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

**Board member Jessica Cohen motions to table this item until the BOA meetings are back to normal in person; Board member Melissa Hawthorne seconds on 9-0 vote.**

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

**Board member Jessica Cohen motions to table this item until the BOA meetings are back to normal in person; Board member Melissa Hawthorne seconds on 9-0 vote.**

- F-9** Announcements

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

**G. ADJOURNMENT 6:38 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](mailto:elaine.ramirez@austintexas.gov) or Board Secretary Diana Ramirez, Development Services, at [512-974-2241](tel:512-974-2241)/[diana.ramirez@austintexas.gov](mailto: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](mailto:elaine.ramirez@austintexas.gov).