

**Versión en español a continuación.**

## **Board of Adjustment Meeting February 8, 2021**

### **Board of Adjustment to be held February 8, 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 (February 7, 2021 by noon).** All public comment will occur at the beginning of the meeting.

To speak remotely at the **February 8, 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, **(February 7, 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>

# Reunión del Board of Adjustment

## FECHA de la reunion (February 8, 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 (**February 7, 2021** antes del mediodía). Todos los comentarios públicos se producirán al comienzo de la reunión.

Para hablar de forma remota en la reunion **February 8, 2021**, 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 (**February 7, 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

February 8, 2021

The Board of Adjustment meeting convened on Monday, February 8, 2021 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live> .

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:30 p.m.

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

**Board Staff in Attendance:** Elaine Ramirez (Board Liaison) Lee Simmons (Board Attorney) and Diana Ramirez (Board Secretary); Brent Lloyd (Department Officer-DSD), Liz Johnston (Program Coordinator-Environmental), Kelly Stillwell (Division Manager-Residential Building Inspection)

### CALL TO ORDER 5:30 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 January 11, 2021 draft minutes

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

**Board Member Jessica Cohen motions to approve the minutes for January 11, 2021, Board member Melissa Hawthorne seconds on an 8-0 vote (Board members Darryl Pruet and Yasmine Smith-late); APPROVED MINUTES FOR January 11, 2021.**

#### B. DISCUSSION AND REQUESTED ACTION ITEM

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

**Items E-2 and F-4 applicant is requesting postponement to March 8, 2021**

**Board Member Brooke Bailey motions to approve the postponement requests for Items E-2 and F-4 to March 8, 2021, Board member Jessica Cohen seconds on a 9-0**

**vote (Board member Melissa Hawthorne abstained on Item E-2); APPROVED MINUTES FOR January 11, 2021.**

**C. NEW INTERPRETATION**

**C-1 C15-2021-0009 Robert Levinski for Mary Ingle  
314 and 316 W. 34<sup>th</sup> Street**

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

The appellant has filed an appeal challenging staff decision in regards to the number of parking spaces.

Base requirements is 2 parking spaces + 3 for the 3 new total bathrooms being added, which is then reduced to 4 parking spaces because of Urban Roadways Parking Reduction, Section 25-6-478 (A). The appellant disagrees and argues that these two properties lack the requisite number of parking spaces, based on application of Part 6, Section 7 (J) of the NCCD ordinance in an “SF-3-NCCD-NP”, Single-Family-Neighborhood Conservation Combining District-Neighborhood Plan zoning district.

*Note: Please reference North University Neighborhood Conservation Combining District, Ordinance No. 040826-58, PART 6 (7) Appellant is referring to (J) and Staff is referring to (K), page 22 of 46.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Rahm McDaniel motions to Grant the appellant’s appeal; Board Member Brooke Bailey seconds on a 10-0 vote; GRANTED APPELLANT’S APPEAL - The Board finds that the correct Interpretation is that the 20% Urban Core parking reduction applies only to those parking spaces required by 25-6 Appendix A and the additional parking requirement imposed under paragraph J of the NCCD applies if a Two-Family or Duplex Residential Use contains at least 5 bathrooms even if one (1) or both of the buildings comprising the Use contains fewer than 5 bathrooms-City Staff has only required 2 additional parking spaces in violation of the NCCD and City Staff has misapplied the Urban Core parking reduction to a zoning requirement and the initial interpretation is the correct one.**

**D. SIGNS NEW PUBLIC HEARINGS**

**D-1 C16-2021-0005 Jennifer Garcia for Michael Mahoney  
2237 W. Braker Lane**

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

The applicant is requesting a sign variance(s), a total of 4 signs on the property from the Land Development Code, Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*)

a) (H) to allow for all four (4) signs, one (1) monument sign, one (1) wall sign on each of the on the north, south, and west sides, to all be illuminated and NBG Ordinance no. 20180412-051:

b) to increase the sign height from 6 feet to 10 feet in order to provide signage for the TownePlace Suites Hotel in a “NBG-NP”, North Burnet Gateway– Neighborhood Plan zoning district. (North Burnet Neighborhood Plan)

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

*North Burnet/Gateway Ordinance No. 20180412-051 (4.8.2 Sign Regulations) (B) For all development located on a NBG Core Transit Corridor, one freestanding monument sign is permitted on a lot. The height of this sign should not exceed 6 feet and the sign area may not exceed 100 square feet.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant with conditions that a) all four (4) signs, one (1) monument sign, one (1) wall sign on each of the on the north, south, and westsides, may all be illuminated and b) Maximum height of sign D-1/Presentation-1 to be eight (8) feet maximum height; Board Member Veronica Rivera seconds on a 10-0 vote; GRANT WITH CONDITIONS A) ALL FOUR (4) SIGNS, ONE (1) MONUMENT SIGN, ONE (1) WALL SIGN ON EACH OF THE ON THE NORTH, SOUTH, AND WESTSIDES, MAY ALL BE ILLUMINATED AND B) MAXIMUM HEIGHT OF SIGN D-1/PRESENTATION-1 TO BE EIGHT (8) FEET MAXIMUM HEIGHT.**

## **E. SIGNS PREVIOUS POSTPONEMENTS**

**E-1 C16-2021-0001 Claudia Salguero for Kate Ontes  
2402 Guadalupe Street**

**On-Line Link: [Item E-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.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Rahm McDaniel motions to postpone to March 8, 2021; Board Member**

**Brooke Bailey seconds on a 9-1 vote (Board member Jessisca Cohen nay);  
POSTPONED TO MARCH 8, 2021.**

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

**On-Line Link: [Item E-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. (1) 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 MARCH 8, 2021**

**F. VARIANCES NEW PUBLIC HEARINGS**

**F-1 C15-2021-0001 John Meyer  
703 Fletcher Street**

**On-Line Link: [Item F-1 Part1](#); [PART2](#); [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)
- b) 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)

c) Section 25-2 (*Subchapter F, Residential Design and Compatibility Standards, Article 2, Development Standards, 2.7 Sidewall Articulation*) to remove the requirement for articulation on the interior side (west) (requested) in order to erect a Single Family Residence in a SF-3", Single-Family Residence zoning district.

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to postpone to March 8, 2021; Board Member Jessica Cohen seconds on a 10-0 vote; POSTPONED TO MARCH 8, 2021.**

**F-2 C15-2021-0002 John Meyer  
705 Fletcher Street**

**On-Line Link: [Item F-2 PART1, PART2; 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)

b) 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)

c) Section 25-2 (*Subchapter F, Residential Design and Compatibility Standards, Article 2, Development Standards, 2.7 Sidewall Articulation*) to remove the requirement for articulation on the interior side (east) (requested) in order to erect a Single Family Residence in a SF-3", Single-Family Residence zoning district.

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to postpone to March 8, 2021; Board Member Jessica Cohen seconds on a 10-0 vote; POSTPONED TO MARCH 8, 2021.**

**F-3 C15-2021-0018 Nancy M. Langdon  
3805 Eton Lane**

**On-Line Link: [Item F-3; PRESENTATION](#)**

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 street side yard setback from 15 feet (required) to 2 feet (requested) in order to complete a Shed in a SF-2", Single-Family Residence zoning district.

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant; Board Member Melissa Hawthorne seconds on a 9-1 vote (Board member Darryl Pruett nay); GRANTED.**

**F-4 C15-2021-0019 Lawrence Graham  
5909 Bull Creek Road**

**On-Line Link: [Item F-4; NO PRESENTATION](#)**

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 rear yard setback from 10 feet (required) to 6 feet 7 inches (requested) in order to erect a Guest House in a SF-2", Single-Family Residence zoning district.  
**POSTPONED TO MARCH 8, 2021**

**G. VARIANCES PREVIOUS POSTPONEMENTS**

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

**On-Line Link: [Item G-1 PART1](#); [PART2](#), [PART3](#), [PART4](#); [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.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Darryl Pruett motions to Grant with conditions including the creation of a Stormwater Management Plan (including Construction Mitigation Plan/Run-off Protection), Erosion Control and Rainwater Capture (for impervious cover in excess of that allowed without the variance) for review and approval by city staff; Board Member Michael Von Ohlen seconds on a 10-0 vote; GRANT WITH CONDITIONS INCLUDING THE CREATION OF A STORMWATER MANAGEMENT PLAN (INCLUDING CONSTRUCTION MITIGATION PLAN/RUN-OFF PROTECTION), EROSION CONTROL AND RAINWATER CAPTURE (FOR IMPERVIOUS COVER IN EXCESS OF THAT ALLOWED WITHOUT THE VARIANCE) FOR REVIEW AND APPROVAL BY CITY STAFF.**

**G-2 C15-2020-0067 Linda Sullivan for Michael and Jeanette Abbink  
1112 Harvard Street**

**On-Line Link: [Item G-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)

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to postpone to March 8, 2021; Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO MARCH 8, 2021.**

**G-3 C15-2020-0069 Courtney Mogonye-McWhorter for Malia Muir  
1230 Rockcliff Drive**

**On-Line Link: [Item G-3](#); NO 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 Darryl Pruett motions to Grant with conditions that the setback is reduced to seventeen (17) feet along Canal only and including the creation of a Stormwater Management Plan (including Construction Mitigation Plan/Run-off Protection), Erosion Control and Rainwater Capture (for impervious cover in excess of that allowed without the variance) for review and approved by city staff; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANT WITH CONDITIONS THAT THE SETBACK IS REDUCED TO SEVENTEEN (17) FEET ALONG CANAL ONLY AND INCLUDING THE CREATION OF A STORMWATER MANAGEMENT PLAN (INCLUDING CONSTRUCTION MITIGATION PLAN/RUN-OFF PROTECTION), EROSION CONTROL AND RAINWATER CAPTURE (FOR IMPERVIOUS COVER IN EXCESS OF THAT ALLOWED WITHOUT THE VARIANCE) FOR REVIEW AND APPROVED BY CITY STAFF.**

**G-4 C15-2020-0083 Daniel Salazar for Enez Salinas  
2810 Gonzales Street**

**On-Line Link: [Item G-4](#); NO PRESENTATION**

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.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Brooke Bailey motions to postpone to March 8, 2021; Board Member Darryl Pruett seconds on a 10-0 vote; POSTPONED TO MARCH 8, 2021.**

**G-5 C15-2021-0008 Joel Nolan for Sarah Haynie  
3708 Robinson Avenue**

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

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

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Darryl Pruett motions to deny request; Board Member Brooke Bailey seconds on a 10-0 vote; DENIED.**

## **H. NEW BUSINESS**

**H-1 Discussion of the January 11, 2021 Board activity report**

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

**POSTPONED TO MARCH 8, 2021**

**H-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). (Jan. 2021: Waiting New Appointments to BOA)**

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

**POSTPONED TO MARCH 8, 2021**

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

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

**POSTPONED TO MARCH 8, 2021**

**H-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?)**

**POSTPONED TO MARCH 8, 2021**

**H-5 Announcements**

**H-6** Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

**I. ADJOURNMENT 10:49 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).