

Board of Adjustment Minutes March 8, 2021

(Versión en español a continuación)

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

To speak remotely at the **March 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 no later than noon, **(March 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 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 (March 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 (**March 7, 2021** antes del mediodía). Todos los comentarios públicos se producirán al comienzo de la reunión.

Para hablar de forma remota en la reunion **March 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 a más tardar al mediodía (**March 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 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

March 8, 2021

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

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:32 p.m.

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

Board Members absent: Ada Corral, Yasmine Smith (no show-term expired)

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

CALL TO ORDER **5:32PM**

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 February 8, 2021 draft minutes

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

Board Member Melissa Hawthorne motions to approve the minutes for February 8, 2021, Board member Jessica Cohen seconds on an 8-0 vote (Board member Rahm McDaniel no vote, off); APPROVED MINUTES FOR February 8, 2021.

B. DISCUSSION AND REQUESTED ACTION ITEM

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

NONE

C. SIGNS NEW PUBLIC HEARINGS

**C-1 C16-2021-0006 Stormi Wolf for Michael Harris
2101 Rio Grande 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*), requesting a total of 3 signs on the property: (H) to allow for all three (3) signs, one (1) blade, one (1) awning, and one (1) hanging sign to all be illuminated in order to provide adequate signage for the 21 Rio Apartment complex in a “LO-NP, MF-4NP”, Limited Office – Neighborhood Plan – Multi-Family – 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) 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 Michael Von Ohlen motions to Grant; Board Member Jessica Cohen seconds on a 10-0 vote; GRANTED.

D. SIGNS PREVIOUS POSTPONEMENTS

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

On-Line Link: [Item D-1 PART1](#) [PART2](#); [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 Jessica Cohen motions to Grant with conditions to allow illumination on only 3 signs: S-1, S-2, and S-5 as shown on exhibit D-1/5; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANTED WITH CONDITIONS TO ALLOW ILLUMINATION ON ONLY 3 SIGNS: S-1, S-3 AND S-5 AS SHOWN ON EXHIBIT D-1/5.

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

On-Line Link: [Item D-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.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to April 12, 2021; Board Member Rahm McDaniel seconds on a 9-0 vote (Board member Melissa Hawthorne abstained); POSTPONED TO APRIL 12, 2021.

E. VARIANCES NEW PUBLIC HEARINGS

**E-1 C15-2021-0026 Matt Williams for Luis Zaragoza
4005 Sidehill Path**

On-Line Link: [Item E-1](#); [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 front yard setback from 25 feet (required) to 15 feet (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 Grant -25 feet setback on Sidehill Path and 15 feet setback on Stoneywood Drive; Board Member Jessica Cohen seconds on a 10-0 vote;

GRANTED 25 FEET SETBACK ON SIDEHILL PATH AND 15 FEET SETBACK ON STONEYWOOD DRIVE.

F. VARIANCES PREVIOUS POSTPONEMENTS

**F-1 C15-2020-0067 Linda Sullivan for Michael and Jeanette Abbink
1112 Harvard Street**

On-Line Link: [Item F-1](#); [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 Darryl Pruett motions to Grant with conditions to include the shared driveway/parking agreement (after approval by City Legal) and No STR of any type on Lot 8; Board Member Veronica Rivera seconds on a 10-0 vote; GRANTED WITH CONDITIONS TO INCLUDE THE SHARED DRIVEWAY/PARKING AGREEMENT (AFTER APPROVAL BY CITY LEGAL) AND NO STR OF ANY TYPE ON LOT 8.

**F-2 C15-2020-0083 Daniel Salazar for Enez Salinas
2810 Gonzales Street**

On-Line Link: [Item F-2](#); [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 Michael Von Ohlen motions to Postpone to April 12, 2021 Board Member Rahm McDaniel seconds on a 10-0 vote; POSTPONED TO APRIL 12, 2021. (RENOTIFICATION NEEDED)

**F-3 C15-2021-0001 John Meyer
703 Fletcher Street**

On-Line Link: [Item F-3 Part1](#); [PART2](#); [PART3](#); [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 Melissa Hawthorne motions to Grant with the following conditions: on the shared interior side yard between 703 and 705 Fletcher ONLY, that Level 2 may penetrate the McMansion "tent" as shown on the building section (F-3/2-Presentation) with the understanding that final slab height may be approximately 6 to 8 inches higher than shown; and, that Level 2 shall not to exceed 40 feet in length (as shown on Site Plan (F-3/1-Presentation)); and, that the Sidewall Articulation on the Level 1 Plan will be required, but will be modified to reflect an offset of only 2'-6"; Board Member Michael Von Ohlen seconds on an 8-2 vote (Board members Darryl Pruett and Donny Hamilton nay); GRANTED WITH THE FOLLOWING CONDITIONS: ON THE SHARED INTERIOR SIDE YARD BETWEEN 703 AND 705 FLETCHER ONLY, THAT LEVEL 2 MAY PENETRATE THE MCMANSION "TENT" AS SHOWN ON THE BUILDING SECTION (F-3/2-PRESENTATION) WITH THE UNDERSTANDING THAT FINAL SLAB HEIGHT MAY BE APPROXIMATELY 6 TO 8 INCHES HIGHER THAN SHOWN; AND, THAT LEVEL 2 SHALL NOT TO EXCEED 40 FEET IN LENGTH (AS SHOWN ON SITE PLAN (F-3/1-PRESENTATION)); AND, THAT THE SIDEWALL ARTICULATION ON THE LEVEL 1 PLAN WILL BE REQUIRED, BUT WILL BE MODIFIED TO REFLECT AN OFFSET OF ONLY 2'-6".

**F-4 C15-2021-0002 John Meyer
705 Fletcher Street**

On-Line Link: [Item F-4 PART1](#), [PART2](#), [PART3](#); [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 Melissa Hawthorne motions to Grant with the following conditions: on the shared interior side yard between 703 and 705 Fletcher ONLY, that Level 2 may penetrate the McMansion “tent” as shown on the building section (F-4/2-Presentation) with the understanding that final slab height may be approximately 6 to 8 inches higher than shown; and, that Level 2 shall not to exceed 40 feet in length (as shown on Site Plan (F-4/1-Presentation); and, that the Sidewall Articulation on the Level 1 Plan will be required, but will be modified to reflect an offset of only 2’-6”; Board Member Michael Von Ohlen seconds on a 8-2 vote (Board members Darryl Pruett and Donny Hamilton nay); **GRANTED THE FOLLOWING CONDITIONS: ON THE SHARED INTERIOR SIDE YARD BETWEEN 703 AND 705 FLETCHER ONLY, THAT LEVEL 2 MAY PENETRATE THE MCMANSION “TENT” AS SHOWN ON THE BUILDING SECTION (F-4/2-PRESENTATION) WITH THE UNDERSTANDING THAT FINAL SLAB HEIGHT MAY BE APPROXIMATELY 6 TO 8 INCHES HIGHER THAN SHOWN; AND, THAT LEVEL 2 SHALL NOT TO EXCEED 40 FEET IN LENGTH (AS SHOWN ON SITE PLAN (F-4/1-PRESENTATION); AND, THAT THE SIDEWALL ARTICULATION ON THE LEVEL 1 PLAN WILL BE REQUIRED, BUT WILL BE MODIFIED TO REFLECT AN OFFSET OF ONLY 2’-6”.**

**F-5 C15-2021-0019 Lawrence Graham
5909 Bull Creek Road**

On-Line Link: [Item F-5](#); 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.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to April 12, 2021; Board Member Rahm McDaniel seconds on a 7-3 vote (Board members Don Leighton-Burwell, Darryl Pruett and Donny Hamilton nay); POSTPONED TO APRIL 12, 2021.

G. NEW BUSINESS

- G-1 Discussion of the February 8, 2021 Board activity report
On-Line Link: [ITEM G-1](#)**

DISCUSSED; CONTINUE TO APRIL 12, 2021

- G-2** Discussion and possible action to form a BOA Workgroup to review and propose changes to BOA Appeals (including, but not limited to, process and fees)

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

TABLED TO APRIL 12, 2021 TO CONSIDER AND CREATE A WORKGROUP –WAITING FOR NEW APPOINTMENTS TO BOA

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

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

TABLED TO APRIL 12, 2021 –WAITING FOR NEW APPOINTMENTS TO BOA

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

On Line Link: [ITEM G-4](#)

DISCUSSED; CONTINUE TO APRIL 12, 2021

- G-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 APRIL 12, 2021

- G-6** Announcements

- G-7** Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

H. ADJOURNMENT 8:43PM

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 / elaine.ramirez@austintexas.gov or Board Secretary Diana Ramirez, Development Services, at 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 / elaine.ramirez@austintexas.gov