

Board of Adjustment Meeting MINUTES July 12, 2021

(Versión en español a continuación)

Board of Adjustment to be held July 12, 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 (July 11, 2021 by noon)**. All public comment will occur at the beginning of the meeting.

To speak remotely at the **July 12, 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, **(July 11, 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 Reunión del Board of Adjustment - FECHA de la reunion (July 12, 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 (**July 11, 2021** antes del mediodía). Todos los comentarios públicos se producirán al comienzo de la reunión.

Para hablar de forma remota en la reunion **July 12, 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 (**July 11, 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

July 12, 2021

The Board of Adjustment meeting convened on Monday, July 12, 2021 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live> .

Jessica Cohen (Chair) called the Board Meeting to order at 5:34 p.m.

Board Members in Attendance: Thomas Ates, Brooke Bailey, Jessica Cohen (Chair), Melissa Hawthorne (Vice Chair), Barbara McArthur, Darryl Pruet, Agustina Rodriguez, Michael Von Ohlen, Nicholl Wade, Carrie Waller (Alternate), Kelly Blume (Alternate)

Board Members absent: Rahm McDaniel and Richard Smith

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

CALL TO ORDER 5:34PM

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 June 14, 2021 draft minutes

On-Line Link: Item A-1

Board Member Melissa Hawthorne motions to approve the minutes for June 14, 2021, Board member Brooke Bailey seconds on a 10-0-1 vote (Board member Barbara McArthur abstained); APPROVED MINUTES FOR JUNE 14, 2021.

B. DISCUSSION AND REQUESTED ACTION ITEM

B-1 Staff and Applicant requests for postponement and withdraw of items posted on this Agenda - Item D-1 postponed to January 10, 2022, Items D-4, D-5, E-1 postponed to August 9, 2021, Item D-9 withdrawn, Item D-2 postponed to August 9, 2021 (AE denial)

Board Member Melissa Hawthorne motions to Approve the Postponements for Item D-1 to January 10, 2022, Items D-4, D-5, E-1 to August 9, 2021 and

Item D-9 to withdraw, Board member Michael Von Ohlen seconds on a 11-0 vote; APPROVED POSTPONEMENTS/WITHDRAWAL REQUESTS and Board member Michael Von Ohlen motions to postpone Item D-2 to August 9, 2021 due to AE denial, Board member Brooke Bailey seconds on an 11-0 vote; APPROVED POSTPONEMENT.

C. NEW SIGNS PUBLIC HEARING

**C-1 C16-2021-0010 Leah Bojo for AISD
2309 Panther Trail**

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

The applicant is requesting a sign variance(s) from the 1993 Land Development Code, Sign Regulations, Section 13-2-862 (G) (*Signs Authorized in all Districts*) from

- a) sign area 32 square feet (maximum allowed) to 260 square feet (requested)
- b) 6 feet height above grade (maximum allowed) to 33 feet (requested) in a “SF-3”, Single-Family zoning district.

Note: The Interlocal Agreement between the City of Austin and the Austin Independent School District, as amended, states that the City of Austin’s ordinance and rules as they existed on January 1, 1994 shall apply throughout the term of the Interlocal Agreement. Section 13-2-862 (Signs Authorized in all Districts) (G) Information signs. These include bulletin boards, changeable copy directories, or signs relating solely to public, religious, or charitable institutions, intended for use by the institution on which the sign is located. A maximum of one information sign shall be allowed per institution. Maximum sign area of an information sign is 32 square feet; and maximum height is six feet above grade.

The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Grant; Board Member Carrie Waller seconds on a 9-0-2 vote (Board members Melissa Hawthorne and Darryl Pruett abstains); GRANTED.

D. VARIANCES NEW PUBLIC HEARINGS

**D-1 C15-2020-0038 Jim Wittliff for Braden Crockett
1409 Possum Trot**

On-line Link: [Item D-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 rear yard setback from 10 feet (required) to 5 feet (requested) in order to maintain an existing Duplex in a SF-3-NP”, Single-Family Residence – Neighborhood Plan zoning district (West Austin Neighborhood Plan).

POSTPONED TO JANUARY 10, 2022 DUE TO AE DENIAL

**D-2 C15-2021-0056 Chase & Andrea Hamilton
3006 Glenview Avenue**

**On-line Link: [Item D-2 PART1](#); [PART2](#), [PART3](#), [PART4](#), [PART5](#);
NO PRESENTATION**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 5 feet (requested) in order to erect a detached garage/office in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Windsor Road Neighborhood Plan)

Note: Per LDC for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

POSTPONED TO AUGUST 9, 2021 DUE TO AE DENIAL

**D-3 C15-2021-0058 Robert & Jennifer Carson
1209 Choquette Drive**

On-line Link: [Item D-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 front yard setback from 25 feet (required) to 16 feet (requested) in order to maintain a Carport in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Grant; Board Member Melissa Hawthorne seconds on a 10-1 vote (Board members Darryl Pruett nay); GRANTED.

**D-4 C15-2021-0062 David Cancialosi for Christen Steen
3401 Rivercrest Drive**

On-line Link: [Item D-4](#); [PRESENTATION PART1](#), [PRESENTATION PART2](#)

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-551 (*Lake Austin District Regulations*) (C) (3)

- (a) increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (allowed) to 48 percent (requested), (53% existing)
- (b) increase the maximum impervious cover on a slope with a gradient of 15 percent and not more than 25 percent from 10 percent (allowed) to 49 percent (requested), (54.25% existing)
- (c) increase the maximum impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent from 5 percent (allowed) to 18 percent (requested), (4.41% existing)

(d) increase maximum impervious cover on a slope gradient greater than 35 percent to 3 percent (requested), (0.83% existing) in order to erect a Single-Family + associated improvements in a “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.

For the above address the Subdivision Plat was recorded on January 4, 1965

The overall change in IC is from 21.51% to a proposed 20.89% IC, or 8,084 SF IC to 7,883 SF IC, when calculated on a gross lot area basis.

POSTPONED TO AUGUST 9, 2021

**D-5 C15-2021-0067 Scott Jacobs
2003 Arpdale Street**

On-line Link: [Item D-5](#); NO PRESENTATION

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot size requirement from 5,750 square feet (required) to 5,500 square feet (requested) in order to maintain an existing Residence and Accessory Structure in a “SF-3”, Single-Family Residence zoning district.

POSTPONED TO AUGUST 9, 2021

**D-6 C15-2021-0068 John Hussey for Berry Shawn Cox
1411 Gaston Avenue**

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

The applicant is requesting a variance(s) from the Land Development Code Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 (*Maximum Development Permitted*) to increase the F.A.R from 40% (required) to 52.79% (requested) an additional 753 square feet, in order to add an addition to an existing single family residence in an “SF-3-NP”, Single-Family- Neighborhood Plan zoning district (Windsor Park Neighborhood Plan)

Note: per Ordinance 20060727-084, this property was allowed to exceed the 40% and was granted 46.07%

The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Postpone to August 9, 2021; Board Member Melissa Hawthorne seconds on a 11-0 vote; POSTPONED TO AUGUST 9, 2021.

**D-7 C15-2021-0070 Frank & Jeannine Clark
904 Avondale Avenue**

On-line Link: [Item D-7](#); PRESENTATION

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

- a) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 5,292 square feet (requested) and
- b) to decrease the minimum Front Yard Setback requirements from 25 feet (required) to 17 feet (requested) in order to remodel and addition of a Covered Front Porch in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (South River City Neighborhood Plan).

The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Grant; Board Member Darryl Pruett seconds on a 11-0 vote; GRANTED.

**D-8 C15-2021-0071 Susan Hays
902 Herndon Lane**

On-line Link: [Item D-8; 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 Rear Yard Setback from 10 feet (required) to 5 feet (requested) and
- b) Section 25-5-774 (*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 (required), to 8 feet from the principal structure (requested) in a “SF-3”, Single-Family zoning district.

The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Grant both a) and b) with condition that the ADU not be used as STR; Board Member Brooke Bailey seconds on a 10-1 vote (Board members Darryl Pruett nay); GRANTED BOTH A) and B) WITH CONDITION THAT THE ADU NOT BE USED AS STR.

**D-9 C15-2021-0072 Will Sheddan for James Rothfelder
2806 Brinwood Avenue**

On-line Link: [Item D-9; NO PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (D) (*Site Development Regulations*) to decrease the minimum lot size requirement from 5, 750 square feet (required) to 4, 986 square feet (requested) in order to erect a Single-Family residence in a “SF-3-NP”, Single-Family Residence – Neighborhood Plan zoning district. (Dawson Neighborhood Plan)

WITHDRAWN BY APPLICANT

D-10 C15-2021-0074 Sean O’Brien

5607 Highland Crest Drive

On-line Link: [Item D-10](#); [PRESENTATION](#)

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-773 (*Duplex Residential Use*) (B) (5) (b) from two stories (maximum allowed) to three stories (requested) in order to erect a Duplex Residential use in an “SF-3”, Single-Family Residence zoning district.

The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Postpone to August 9, 2021; Board Member Carrie Waller seconds on a 11-0 vote; POSTPONED TO AUGUST 9, 2021.

**D-11 C15-2021-0075 Tere O’Connell for Chris Oakland
813 Park Boulevard Unit 2**

On-line Link: [Item D-11 Part1](#); [Part2](#); [PRESENTATION](#)

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

(a) from 1,100 total square feet (maximum allowed) to 1,150 square feet (requested) and

(b) from 550 square feet on the second story (maximum allowed), to 575 square feet (requested) in order to remodel an existing historic detached Accessory Structure in an “SF-3-CO-NP”, Single-Family Residence-Combined Overlay-Neighborhood Plan zoning district. (Hancock Neighborhood Plan)

Note: Per LDC 25-2-774 (Two-Family Residential Use) (C) The second dwelling unit (5) may not exceed (a) 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; and (b) 550 square feet on the second story, if any.

The public hearing was closed by Chair Jessica Cohen, Board Member Carrie Waller motions to Grant; Board Member Melissa Hawthorne seconds on 11-0 vote; GRANTED.

E. VARIANCES PREVIOUS POSTPONEMENTS

**E-1 C15-2021-0027 Charles Shapiro
12905 Veronese Drive**

On-line Link: [Item E-1](#); NO PRESENTATION

The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from Impervious Cover requirements to increase from 45% (maximum allowed) to 50% (requested), in order to construct a swimming pool to an existing Single-Family residence in an “SF-2”, Single-Family Residence zoning district.

POSTPONED TO AUGUST 9, 2021

E-2 C15-2021-0036 Ron Thrower for Chalice McGee

6141 Jumano Lane

On-Line Link: [Item E-2 PART1](#), [PART2](#), [PART3](#), [PART4](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from Section 25-2-899 (D) (E) (F) (*Fences as Accessory Uses*) to increase the height permitted from 6 feet (required) to 8 feet (requested) in order to maintain a recently constructed 8 ft. fence in an “SF-2-NP”, Single-Family Residence-Neighborhood Plan zoning district. (West Oak Hill Neighborhood Plan)

Note: The Land Development Code 25-2-899 (D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.

(E) states: a solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files written consent to the construction of the fence with the building official; and (2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool. (F) A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.

The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Grant with condition that a verification of approval from HOA is provided to Residential Review during the permit review; Board Member Melissa Hawthorne seconds on a 10-1 vote (Board members Kelly Blume nay); GRANTED WITH CONDITION THAT A VERIFICATION OF APPROVAL FROM HOA IS PROVIDED TO RESIDENTIAL REVIEW DURING THE PERMIT REVIEW.

**E-3 C15-2021-0048 Stephen Drenner for Austin Hedge 35 Borrower, LLC
8300 N IH 35 SVRD SB**

On-Line Link: [Item E-3](#); [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 1.5 spaces and 1.5 spaces + 0.5 spaces per bedroom (required) to 1 spaces (requested) in order to complete a Multi-Family residential structure providing 226 units of significantly Affordable housing in a “CS-MU-CO-NP”, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan zoning district. (Georgian Acres Neighborhood Plan)

The public hearing was closed by Chair Jessica Cohen, Board Member Jessica Cohen motions to Grant with conditions that owners construct and maintain a trail, and obtain a 2 year parking agreement from the neighbors; Board Member Nicholl Wade seconds on a 7-3-1 vote (Board members Brooke Bailey, Barbara McArthur, and Darryl Pruett nays; Melissa Hawthorne recused); DENIED.

F. NEW BUSINESS

- F-1 Discussion of the June 14, 2021 Board activity report
On-Line Link: [Item F-1](#)
DISCUSSED; CONTINUE TO AUGUST 9, 2021
- F-2 Discussion and possible action regarding the Board’s Annual Internal Review Report (July 1, 2020-June 30, 2021) to Council
Board member Brooke Bailey motions to approve the BOA Annual Report with an addition-Item 4e and a correction on the dates; Board member Michael Von Ohlen seconds on a 11-0 vote; APPROVED ANNUAL REPORT (JULY 1, 2020-JUNE 30, 2021).
- F-3 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)
Waiting New Appointments to BOA
On-Line Link: [Item F-3](#)
DISCUSSED; CONTINUE TO AUGUST 9, 2021
- F-4 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 F-4](#)
DISCUSSED; CONTINUE TO AUGUST 9, 2021
(Remove Don Leighton-Burwell’s name and add Agustina Rodriguez to workgroup)
- F-5 Announcements -
Add New Item to New business: Discussion with Legal (Lee Simmons) regarding an update from 87th Texas Legislation, questions regarding if board can appoint non board members to working groups and if alternates can serve on working groups.
- F-6 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

G. ADJOURNMENT 9:13 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 / 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