

Board of Adjustment Meeting - MINUTES August 9, 2021

(Versión en español a continuación)

Board of Adjustment to be held August 9, 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 (Aug 8, 2021 by noon)**. All public comment will occur at the beginning of the meeting.

To speak remotely at the **August 9, 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, (**Aug 8, 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>

Reunión del Board of Adjustment - MINUTOS FECHA de la reunion (August 9, 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 (**Aug 8, 2021** antes del mediodía). Todos los comentarios públicos se producirán al comienzo de la reunión.

Para hablar de forma remota en la reunion **August 9, 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 (**August 8, 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

August 9, 2021

The Board of Adjustment meeting convened on Monday, August 9, 2021 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live> .

Jessica Cohen (Chair) called the Board Meeting to order at 5:35 p.m.

Board Members in Attendance: Thomas Ates, Brooke Bailey, Jessica Cohen (Chair), Melissa Hawthorne (Vice Chair), Barbara McArthur, Rahm McDaniel, Agustina Rodriguez, Richard Smith, Nicholl Wade, Kelly Blume (Alternate)

Board Members absent: Michael Von Ohlen, and Darryl Pruett-(no show)

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

CALL TO ORDER **5:35PM**

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 July 12, 2021 draft minutes

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

Board Member Brooke Bailey motions to approve the minutes for July 12, 2021, Board member Rahm McDaniel seconds on a 9-0-2 vote (Board members Richard Smith abstained and Melissa Hawthorne abstained for Items C-1 and C-2); APPROVED MINUTES FOR JULY 12, 2021.

B. DISCUSSION AND REQUESTED ACTION ITEM

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

Board Member Rahm McDaniel motions to Approve the Postponements for Items C-1 and E-2 to Sept 13, 2021, Item C-2 to October 11, 2021 and Withdrawal for Item E-6, Board member Brooke Bailey seconds on a 10-0-1 vote (Board member Melissa Hawthorne abstained for Items C-1 and C-2); APPROVED POSTPONEMENTS/WITHDRAWAL REQUESTS.

C. SIGNS PREVIOUS POSTPONEMENTS

**C-1 C16-2021-0008 Leah M. Bojo for The Standard at Austin, LLC
715 W. 23rd Street**

On-Line Link: [Item C-1 PART1](#); [PART2](#); [PART3](#); [PART4](#); NO PRESENTATION

The applicant is requesting a sign variance(s), a total of 6 signs on the property from the Land Development Code, Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*)

(H) to allow for a total of six (6) signs to all be illuminated, five (5) LED illuminated wall signs and one (1) internally illuminated cabinet wall sign in a “CS-NP”, General Commercial Services – 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.

POSTPONED TO September 13, 2021 BY APPLICANT

**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. (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 October 11, 2021 BY APPLICANT

D. VARIANCES NEW PUBLIC HEARINGS

**D-1 C15-2021-0078 William Hodge for Martha Cary Sadler
1305 W. 42nd Street**

On-line Link: [Item D-1 PART1](#); [PART2](#); [PRESENTATION](#); [AE REPORT](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 48 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 Jessica Cohen, Board Member Melissa Hawthorne motions to Grant; Board Member Rahm McDaniel seconds on a 10-0 vote; GRANTED.

**D-2 C15-2021-0079 Daniel Dunigan for Paul Le
6506 Hergotz Lane**

On-line Link: [Item D-2](#); [PRESENTATION](#); [AE REPORT](#)

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 10 feet (requested) in order to erect a Single-Family residence in a “SF-3”, Single-Family-Neighborhood Plan zoning district.

The public hearing was closed by Chair Jessica Cohen, Board Member Rahm McDaniel motions to Grant; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANTED.

**D-3 C15-2021-0080 Micah King for Darius Fisher
74 San Saba Street, Unit 2**

On-line Link: [Item D-3](#); [PRESENTATION](#); [AE REPORT](#)

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

- a) setback requirements to decrease the minimum Rear Yard Setback from 10 feet (required) to 2.1 feet (requested)
- b) setback requirements to decrease the minimum Interior Side Yard Setback from 5 feet(required) to 3.9 feet (requested)

and from 25-2-735 (*Festival Beach Subdistrict Regulations*) from

c) impervious cover requirements to increase from 40% (maximum allowed) to 41.38% (requested), (existing 47.8%), in order to maintain a 2nd FL deck on rear accessory structure in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Holly Neighborhood Plan).

Note: 25-2-735 (Festival Beach Subdistrict Regulations) (A) This section applies in the Festival Beach subdistrict of the WO combining district. (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is: 1) 40 percent.

The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to September 13, 2021; Board Member Thomas Ates seconds on a 10-0 vote; POSTPONED TO September 13, 2021.

**D-4 C15-2021-0081 Amanda Swor for Maryelaine Soto & Bill Schurtz
1308 West 9th ½ Street**

On-line Link: [Item D-4](#); [PRESENTATION](#); [AE REPORT](#)

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 .4 to 1.0 (required) to .46 to 1.0 (requested) in order to add an addition/remodel to an existing single family residence in an “SF-3-NP”, Single-Family- Neighborhood Plan zoning district (Old West Austin Neighborhood Plan)

Note: 25-2 Subchapter F RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS, Article 2 Development Standards Section 2.1. - MAXIMUM DEVELOPMENT PERMITTED. The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of Section 25-1-22 (Measurements).

The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to September 13, 2021; Board Member Rahm McDaniel seconds on a 9-1 vote (Chair Jessica Cohen nay); POSTPONED TO September 13, 2021.

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.

The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to September 13, 2021; Board Member Brooke Bailey seconds on a 10-0 vote; POSTPONED TO September 13, 2021 (APPLICANT NO SHOW).

**E-2 C15-2021-0055 Ruben Valdez
1206 W. Oltorf Street**

On-Line Link: [Item E-2](#); 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 Front Yard Setback from 25 feet (required) to 0 feet (requested) in order to maintain a Carport and Covered Entry in a “SF-6-NP”, Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

POSTPONED TO September 13, 2021 BY APPLICANT

**E-3 C15-2021-0056 Chase & Andrea Hamilton
3006 Glenview Avenue**

On-line Link: [Item E-3 PART1](#); [PART2](#); NO PRESENTATION; [AE REPORT](#)

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.

The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to October 11, 2021; Board Member Rahm McDaniel seconds on a 9-1 vote (Board Member Brooke Bailey nay); POSTPONED TO October 11, 2021.

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

On-line Link: [Item E-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.

The public hearing was closed by Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to October 11, 2021; Board Member Brooke Bailey seconds on a 10-0 vote; POSTPONED TO October 11, 2021.

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

On-line Link: [Item E-5; 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.

The public hearing was closed by Chair Jessica Cohen, Board Member Brooke Bailey motions to Grant with conditions lot size of 5,500 square feet, limiting building cover to 40%, limiting impervious cover to 45%, F.A.R. 0.4 to 1 ratio, no further encroachment of Accessory Structure and limit to 15 feet in height and a single-story, request survey with exact lot size for Residential Plan Review; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANTED WITH CONDITIONS LOT SIZE OF 5,500 SQUARE FEET, LIMITING BUILDING COVER TO 40%, LIMITING IMPERVIOUS COVER TO 45%, F.A.R. 0.4 TO 1 RATIO, NO FURTHER ENCROACHMENT OF ACCESSORY STRUCTURE AND LIMIT TO 15 FEET IN HEIGHT AND A SINGLE-STORY, REQUEST SURVEY WITH EXACT LOT SIZE FOR RESIDENTIAL PLAN REVIEW.

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

On-line Link: [Item E-6; NO 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%

WITHDRAWN BY APPLICANT

**E-7 C15-2021-0074 Sean O’Brien
5607 Highland Crest Drive**

On-line Link: [Item E-7](#); [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 Rahm McDaniel motions to Grant; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANTED.

F. NEW BUSINESS

F-1 Discussion of the July 12, 2021 Board activity report

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

DISCUSSED; CONTINUE TO SEPTEMBER 13, 2021

F-2 Discussion regarding an update from 87th Texas Legislation, if board can appoint non board members to working groups and if alternates can serve on working groups. (Lee Simmons)

DISCUSSED BY LEE SIMMONS

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 SEPTEMBER 13, 2021

F-4 Discussion and possible action regarding postponed BOA Trainings (including new topic “Area Character”); Staff & PC Coordination Workgroup (Rodriguez, 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; BOA TRAINING SESSION-August 17, 2021, 1-3pm (Virtual training); CONTINUE TO SEPTEMBER 13, 2021

F-5 Announcements

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

ADD-New Item: Discussion and possible action regarding an update on the resolution sent to council for the BOA Applicant Assistance Program (BAAAP)

G. ADJOURNMENT 8:50 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