



## AGENDA MEETING MINUTES

September 13, 2021

The Board of Adjustment meeting convened on Monday, September 13, 2021. Some members of the Board of Adjustment may be participating by videoconference. The meeting may be viewed online at: <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 (in person):** Jessica Cohen (Chair), Rahm McDaniel, Richard Smith, Nicholl Wade, Kelly Blume (Alternate), Carrie Waller (Alternate)

**Board Members in Attendance (virtually via teleconference):** Melissa Hawthorne (Vice Chair), Barbara McArthur, Darryl Pruett, Agustina Rodriguez, Michael Von Ohlen,

**Board Members Absent:** Thomas Ates, Brooke Bailey

**City Staff in Attendance:** Elaine Ramirez (Board Liaison) Lee Simmons (Board Attorney)

**City Staff Absent:** Diana Ramirez (Board Secretary)

### **EXECUTIVE SESSION (No public discussion)**

The Board of Adjustment will announce it will go into Executive Session, **if necessary**, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Board of Adjustment may also announce it will go into Executive Session, **if necessary**, to receive advice from Legal Counsel regarding any other item on this agenda.

**Private Consultation with Attorney – Section 551.071**

### **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 August 9, 2021 draft minutes

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

**Board Member Melissa Hawthorne motions to approve the minutes for August 9, 2021, Board member Richard Smith seconds on a 10-0-1 vote (Board member Melissa Hawthorne abstained for Items C-1, C-2); APPROVED MINUTES FOR August 9, 2021.**

**B. DISCUSSION AND REQUESTED ACTION ITEM**

**B-1** Staff and Applicant requests for postponement and withdraw of items posted on this Agenda  
**Items C-1, E-1 and E-2 applicant requests to withdraw**

**C. SIGNS PREVIOUS POSTPONEMENTS**

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

**WITHDRAWN BY APPLICANT**

**D. VARIANCES NEW PUBLIC HEARINGS**

**D-1 C15-2021-0083 Victoria Haase for 1207 Taylor Series, LLC-Les Canter  
 1207 Taylor Street**

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

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

a) 25-2-492 (*Site Development Regulations*) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 5,676 square feet (requested) (*see Note 1*)

**and**

b) 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 19.25 feet (requested) in order to erect a Two-Family Residential use (*see Note 2*) in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

**Note(s):**

a) Per LDC 25-2-774 (Two-Family Residential Use) (B) For a two-family residential use the minimum lot area is equivalent to a standard lot.

b) Per LDC 25-2-515 (Rear Yard of 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 Michael Von Ohlen motions to approve; Board Member Melissa Hawthorne seconds on a 11-0 vote; GRANTED.**

**D-2 C15-2021-0085 David Cancialosi for Estates at Lake Austin, LP  
1717 Channel Road**

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

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-551 (*Lake Austin District Regulations*) (B) (1) (a) from shoreline setback requirements to reduce the shoreline setback from 75 feet (required) to 25 feet (requested) along a man-made inlet in order to erect a Single-Family + associated improvements in a “LA”, Lake Austin zoning district.

**The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Postpone to October 11, 2021; Board Member Rahm McDaniel seconds on a 11-0 vote; POSTPONED TO OCTOBER 11, 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.

**WITHDRAWN BY APPLICANT**

**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).

**WITHDRAWN BY APPLICANT**

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

**On-line Link: [Item E-3](#); [PRESENTATION](#)**

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 Michael Von Ohlen motions to approve as per drawing E-3/17 and Impervious cover as proposed; Board Member Melissa Hawthorne seconds on a 11-0 vote; GRANTED AS PER DRAWING E-3/17 AND IMPERVIOUS COVER AS PROPOSED.**

**E-4 C15-2021-0081 Amanda Swor for Maryelaine Soto & Bill Schurtz  
1308 West 9<sup>th</sup> ½ Street**

**On-line Link: [Item E-4 PART1](#); [PART2](#); [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 .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 approve; Board Member Michael Von Ohlen seconds on an 8-3 vote (Board members Rahm McDaniel, Richard Smith and Kelly Blume nay); DENIED.**

## F. NEW BUSINESS

F-1 Discussion of the August 9, 2021 Board activity report

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

**DISCUSSED; CONTINUED TO OCTOBER 11, 2021**

F-2 Discussion regarding LA zone permitting training –by Susan Barr.

**On-Line Link: [F-2/PRESENTATION](#)**

**DISCUSSED BY SUSAN BARR**

F-3 Discussion regarding future BOA hybrid meetings.

**DISCUSSED**

F-4 Discussion and possible action regarding an update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).

**DISCUSSED; CONTINUED TO OCTOBER 11, 2021**

F-5 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 F-5](#)**

**DISCUSSED**

F-6 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).

**On Line Link: [Item F-6](#)**

**DISCUSSED – item to be removed on future agenda**

F-7 Announcements

F-8 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

**Add: Discussion in regards to workshops, can they be Hybrid? Virtual?**

## G. ADJOURNMENT 7:49PM

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](mailto:elaine.ramirez@austintexas.gov) or Board Secretary Diana Ramirez, Development Services, at 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 / [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)