



AGENDA MEETING MINUTES

November 8, 2021

The Board of Adjustment meeting convened on Monday, November 8, 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 5:33 p.m.

Board Members in Attendance (in person): Jessica Cohen (Chair), Thomas Ates, Rahm McDaniel, Darryl Pruett, Agustina Rodriguez, Richard Smith, Kelly Blume (Alternate)

Board Members in Attendance (virtually via teleconference): Brooke Bailey, Melissa Hawthorne (Vice Chair), Barbara McArthur, Carrie Waller (Alternate)

Board Members Absent: Michael Von Ohlen, Nicholl Wade

City Staff in Attendance: Elaine Ramirez (Board Liaison), Erika Lopez (Board Attorney) and 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 October 11, 2021 draft minutes

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

Board Member Melissa Hawthorne motions to approve the minutes for October 11, 2021, Board member Rahm McDaniel seconds on a 9-0-2 vote (Board member Thomas Ates -recused and Carrie Waller-abstained); APPROVED MINUTES FOR OCTOBER 11, 2021.

B. DISCUSSION AND REQUESTED ACTION ITEM

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

**Requesting postponement/withdrawal by applicant for Items C-1 and E-7
Board member Melissa Hawthorne motions to approve postpone/withdraw requests for Items C-1 postpone to December 13, 2021 and E-7 withdraw, Board member Rahm McDaniel seconds on an 11-0 vote; APPROVED POSTPONED/
WITHDRAWN REQUESTS FOR ITEMS C-1 POSTPONED TO December 13, 2021 AND E-1 WITHDRAWN AS REQUESTED.**

C. SIGNS PREVIOUS POSTPONEMENTS

**C-1 C16-2021-0011 Renee Bornn for Villas Rio, LP
2111 Rio Grande Street**

On-Line Link: [Item C-1](#); NO 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 1 sign(s) on the property:

- a) (F) to allow one (1) wall signs above the second floor (maximum allowed) to the eight floor (requested)
- b) (H) to allow for the one (1) sign(s) to all be illuminated in order to provide signage for the Villas on Rio Grande in a “GO-MU, LO-NP, MF-4-NP”, General Office-Mixed Use, Limited Office, 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

(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.

(H) A sign may not be illuminated or contain electronic images or moving parts.

POSTPONED TO DEC 13, 2021

D. VARIANCES NEW PUBLIC HEARINGS

D-1 C15-2021-0100 Ian Ellis

1003 Kinney Avenue

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

The applicant is requesting a variance(s) from the Land Development Code: Section 25-2-943 (B) (2) (a) (Substandard Lot) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 5,464 square feet (requested), (TCAD records show 5,740 sq. ft.) in order to erect a Single-Family residence with a Pool in a “SF-3”, Single-Family zoning district.

Note: 25-2-943 SUBSTANDARD LOT (B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection. (2) A substandard lot recorded in the county real property records after March 14, 1946 must: (a) have an area of not less than 5,750 square feet.

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to Postpone to December 13, 2021; Board Member Darryl Pruett seconds on a 9-0-2 vote (Board members Agustina Rodriguez and Carrie Waller Abstained); POSTPONED TO DECEMBER 13, 2021.

E. VARIANCES PREVIOUS POSTPONEMENTS

**E-1 C15-2021-0056 Chase & Andrea Hamilton
3006 Glenview Avenue**

On-line Link: [Item E-1 PART1](#), [PART2](#); [PRESENTATION](#)

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

- a) 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)
- b) Subchapter F Residential Design and Compatibility Standards, Article 3, 3.3.2 (A) (1) (Gross Floor Area) for a detached parking area to decrease the minimum distance requirement from the principal structure from 10 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: a) Per LDC 25-2-515 Rear Yard of A Through Lot - For a through lot, a rear yard must comply with the minimum requirements applicable to a front yard.

b) Per LDC Subchapter F, RDCC, Article 3, 3.3.2 (A) (1) (Gross Floor Area) - A detached rear parking area that is separated from the principal structure by not less than 10 feet.

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to approve with conditions to add one-hour fire rating wall between garage and house in order to decrease the separation and that the stairs be noncombustible construction, and friendly amendment that portion of stairs and landing on house side be made of steel, stairs and landing on side of

garage can be wood; Board Member Rahm McDaniel seconds on a 11-0 vote; GRANTED WITH CONDITIONS TO ADD ONE-HOUR FIRE RATING WALL BETWEEN GARAGE AND HOUSE IN ORDER TO DECREASE THE SEPARATION AND THAT THE STAIRS BE NONCOMBUSTIBLE CONSTRUCTION AND FRIENDLY AMENDMENT THAT PORTION OF STAIRS AND LANDING ON HOUSE SIDE BE MADE OF STEEL, STAIRS AND LANDING ON SIDE OF GARAGE CAN BE WOOD.

**E-2 C15-2021-0062 David Cancialosi for Christen Steen
3401 Rivercrest Drive**

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

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 Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to approve with conditions to remove existing wood deck and stairs on the north side as per exhibit E-2/28 and presentation slide E-2/35, and will not exceed calculations on presentation slide E-2/26; Board Member Darryl Pruettt seconds on a 11-0 vote; GRANTED WITH CONDITIONS TO REMOVE EXISTING WOOD DECK AND STAIRS ON THE NORTH SIDE AS PER EXHIBIT E-2/28 AND PRESENTATION SLIDE E-2/35 AND WILL NOT EXCEED CALCULATIONS ON PRESENTATION SLIDE E-2/26.

**E-3 C15-2021-0085 David Cancialosi for Estates at Lake Austin, LP
1717 Channel Road**

On-Line Link: [Item E-3; 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 Madam Chair Jessica Cohen, Madam Chair Jessica Cohen motions to approve with conditions to install a rainwater system and to limit the impervious cover to 32%; Board Member Darryl Pruett seconds on a 11-0 vote; GRANTED WITH CONDITIONS TO INSTALL A RAINWATER SYSTEM AND TO LIMIT THE IMPERVIOUS COVER TO 32%.

**E-4 C15-2021-0093 Janis J. Smith, P.E. for Jeff and Ally Davidson
8818 Big View Drive #4**

On-Line Link: [Item E-4; PRESENTATION](#)

The applicant has requested variance(s) from the Land Development Code, Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) (A) (1) to increase the dock length 30 feet (required) to 50 feet (requested) in order to erect a boat dock in an “LA” Lake Austin Residence zoning district.

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to approve; Board Member Rahm McDaniel seconds on a 11-0 vote; GRANTED.

**E-5 C15-2021-0096 David Hartman for Family Sport INC., a Texas Corp.
5700 Grover Avenue and 5612 Roosevelt Avenue**

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

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

- a) Section 25-2-899 (*Fences as Accessory Uses*) (D) & (E) to increase the fence height from an average of six feet or a maximum of seven feet (maximum allowed) to an average of eight feet (requested) on western property line only.
- b) Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) (C) (2) to increase height limit from three (3) stories and 40 feet (maximum allowed) to four (4) stories and 45 feet (requested)
- c) Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) (C) (3) to increase allowed height from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive (maximum allowed) to 45 feet

(requested) on eastern property line only in order to erect a four (4) story Apartment Building in a “MF-6-CO-NP”, Multi-Family Residence Highest Density-Conditional Overlay – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

Note: *The Land Development Code Section 25-2-899 (Fences as Accessory Uses) (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) 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 a written consent to the construction of the fence with the building official, and Section 25-2-1063 Height Limitations and Setbacks for Large Sites (C) (2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property. (C) (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Rahm McDaniel motions to approve with condition to provide shielding on the lights on the western side of the parking garage; Board Member Melissa Hawthorne seconds on a 11-0 vote; GRANTED WITH CONDITION TO PROVIDE SHIELDING ON THE LIGHTS ON THE WESTERN SIDE OF THE PARKING GARAGE.

**E-6 C15-2021-0097 Nathan Hobbs for Gary J. Hobbs
4315 Avenue A**

On-Line Link: [Item E-6; PRESENTATION](#)

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

- a) Section 25-2-492 (*Site Development Regulations*) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 5,700 square feet (requested) and
- b) Section 25-2-947 (*Nonconforming Use Regulation Groups*) (B) (2) to increase the improvement value from 20% (allowed) to 60% (requested) in order to complete a remodel and addition of an existing home in a “SF-3-NCCD-NP”, Single-Family-Neighborhood Conservation Combining District-Neighborhood Plan zoning district (Hyde Park Neighborhood Plan).

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to postpone to December 13, 2021; Board Member Thomas Ates seconds on an 11-0 vote; POSTPONED TO DECEMBER 13, 2021.

**E-7 C15-2021-0098 Alecia Mosadomi for PAP Realty Partnership/MVE
Ventures, Ltd./The WP & AP Ltd.
5200 McKinney Falls Parkway**

On-Line Link: [Item E-7; NO PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code to decrease the required setback and increase the maximum allowable height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*)

- a) (C) (1) (a) increase height limit from 30 feet (minimum allowed) to 47 feet (requested)
- b) (C) (2) (a) increase height limit from 40 feet (maximum allowed) to 47 feet (requested)
- c) (C) (3) increase height limit from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet but not more than 300 feet (maximum allowed) to 47 feet (requested) in order to erect Multi-Family Housing Development with on-site affordable units in a “MF-4”, Multi-Family Residence-Moderate-High Density zoning district.

Note(s): The Land Development Code Section 25-2-1063 (C) The height limitation for a structure are: (1) two stories and 30 feet, if the structure is 50 feet or less from the property: (a) in an SF-5 or more restrictive zoning district (2) three stories and 40 feet if the structure is more than 50 feet and not more than 100 feet from property: (a) in an SF-5 or more restrictive zoning district.

WITHDRAWN BY APPLICANT

F. NEW BUSINESS

F-1 Discussion of the October 11, 2021 Board activity report

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

DISCUSSED; CONTINUE TO DECEMBER 13, 2021

F-2 Discussion and possible action regarding Bylaws.

On-Line Link: [Item F-2](#)

BOARD MEMBER MELISSA HAWTHORNE MOTIONS TO APPROVE THE BYLAW CHANGE, MADAM CHAIR JESSICA COHEN SECONDS ON AN 11-0 VOTE.

F-3 Discussion and possible action regarding Rules of Procedure

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

BOARD MEMBER MELISSA HAWTHORNE MOTIONS TO APPROVE THE RULES OF PROCEDURES CHANGE, BOARD MEMBER RICHARD SMITH SECONDS ON AN 11-0 VOTE.

F-4 Discussion and possible action adopting a resolution affirming meeting location and legally required public notice for in-person Public Hearings for the Board of Adjustment shall reflect the address of Austin City Hall, 301 W. Second Street, Austin, Texas, 78701.

BOARD MEMBER THOMAS ATEs MOTIONS TO APPROVE THE RESOLUTION OF MEETING LOCATION, BOARD MEMBER MELISSA HAWTHORNE SECONDS ON AN 11-0 VOTE.

F-5 Discussion and possible action regarding adopting proposed meeting schedule for Jan 2022-Dec 2022.

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

BOARD MEMBER MELISSA HAWTHORNE MOTIONS TO APPROVE THE SCHEDULE ADOPTION OF DATES (SECOND MONDAY OF THE MONTH) REMOVING ALL INSTANCES OF PDC EVENT CENTER, 6310 WILHELMINA DELCO DR, ROOM 1405, BOARD MEMBER BROOKE BAILEY SECONDS ON AN 11-0 VOTE.

F-6 Discussion regarding future BOA hybrid meetings/hybrid workshops.

DISCUSSED

F-7 Discussion and possible action regarding an update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).

On Line Link: <https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045>

DISCUSSED

F-8 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-8](#)

DISCUSSED; CONTINUE TO DECEMBER 13, 2021

F-9 Announcements

F-10 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

G. ADJOURNMENT **9:16 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