



## AGENDA MEETING MINUTES

December 13, 2021

The Board of Adjustment meeting convened on Monday, December 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>.

**Madam Jessica Cohen (Chair) called the Board Meeting to order at 5:45 p.m.**

**Board Members in Attendance (in person):** Madam Jessica Cohen (Chair), Brooke Bailey, Rahm McDaniel, Barbara McArthur, Agustina Rodriguez, Nicholl Wade, Kelly Blume (Alternate)

**Board Members in Attendance (virtually via teleconference):** Thomas Ates, Melissa Hawthorne (Vice Chair), Darryl Pruett, Michael Von Ohlen

**Board Members Absent:** Richard Smith

**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 November 8, 2021 draft minutes

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

**Board Member Brooke Bailey motions to approve the minutes for November 8, 2021, Board member Rahm McDaniel seconds on a 7-0 votes (Board members virtual- no vote); APPROVED MINUTES FOR NOVEMBER 8, 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, E-1 and D-3. Board member Brooke Bailey motions to approve postpone/withdraw requests for Items C-1 and E-1 postpone to January 10, 2022 and D-3 withdraw, Board member Melissa Hawthorne seconds on an 11-0 vote; APPROVED POSTPONED/ WITHDRAWN REQUESTS FOR ITEMS C-1 AND E-1 POSTPONED TO JANUARY 10, 2022 AND D-3 WITHDRAWN AS REQUESTED.**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 JANUARY 10, 2022 BY APPLICANT**

**D. VARIANCES NEW PUBLIC HEARINGS**

**D-1 C15-2021-0057 Stuart Sampley, AIA for Bryan & Laura Burkhart  
2000 Peachtree Street**

**On-Line Link: Item D-1; PRESENTATION; AE REPORT**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-899 (D) (*Fences as Accessory Uses*) to exceed the average height of six (6) feet or a maximum height of seven (7) feet (required) for a solid fence along the property line in order to maintain a seven (7) foot (requested) tall masonry, wood, steel fence along Bluebonnet St and Peach Tree Street in a “SF-3”, Single-Family Residence zoning district.

*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.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Deny; Board Member Brooke Bailey seconds on a 7-4 vote (Board members Thomas Ates, Jessica Cohen, Rahm McDaniel, Agustina Rodriguez nay); DENIED.**

**D-2 C15-2021-0101 Michael Whellan for 201 E Koenig Lane, LTD  
201 & 403 E. Koenig Lane, 5613 Avenue F**

**On-Line Link: Item D-2; PRESENTATION; AE REPORT**

The applicant is requesting a variance(s) from the Land Development Code Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*):

- a) (C) (2) to increase height limit from three (3) stories and 40 feet (maximum allowed) to 60 feet (requested)
- b) (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 60 feet (requested) in order to erect a Vertical Mixed-use project with on-site affordable units and one acre of on-site, developed parkland in a “CS-MU-V-CO-NP”, General Commercial Services-Mixed Use-Vertical Mixed Use-Conditional Overlay – Neighborhood Plan zoning district. (North Loop Neighborhood Plan)

*Note: The Land Development Code 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.*

**Madam Chair Jessica Cohen motions to Postpone the remaining cases to January 10, 2022 at City Hall due to technical difficulties –internet issues; Board Member Rahm McDaniel seconds on a 11-0 vote; POSTPONED TO JANUARY 10, 2022 DUE TO TECHNICAL DIFFICULTIES-INTERNET ISSUES.**

**D-3 C15-2021-0102 Team Properties LLC, Pamela Madere  
3201 Westlake Drive**

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

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 slough in order to remodel an existing Single-Family residence + associated improvements in a “LA”, Lake Austin zoning district.

*Note: The Land Development Code 25-2-551 (B) This subsection specifies shoreline setbacks in a Lake Austin (LA) district (1) The shoreline setback is: (a) 75 feet*

**WITHDRAWN BY APPLICANT**

**E. VARIANCES PREVIOUS POSTPONEMENTS**

**E-1 C15-2021-0097 Nathan Hobbs for Gary J. Hobbs  
4315 Avenue A**

**On-Line Link: [Item E-1](#); NO 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).

**POSTPONED TO JANUARY 10, 2022 BY APPLICANT**

**E-2 C15-2021-0100 Ian Ellis  
1003 Kinney Avenue**

**On-line Link: [Item E-2 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.

**Madam Chair Jessica Cohen motions to Postpone the remaining cases to January 10, 2022 at City Hall due to technical difficulties –internet issues; Board Member Rahm McDaniel seconds on a 11-0 vote; POSTPONED TO JANUARY 10, 2022 DUE TO TECHNICAL DIFFICULTIES-INTERNET ISSUES.**

## F. NEW BUSINESS

F-1 Discussion of the November 8, 2021 Board activity report

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

**DISCUSSED; CONTINUE TO JANUARY 10, 2022**

F-2 Discussion and possible action regarding Rules of Procedure

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

**DISCUSSED; CONTINUE TO JANUARY 10, 2022**

F-3 Discussion and possible action 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.

**DISCUSSED; CONTINUE TO JANUARY 10, 2022**

F-4 Discussion regarding future BOA hybrid meetings/hybrid workshops.

**DISCUSSED; CONTINUE TO JANUARY 10, 2022**

F-5 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; CONTINUE TO JANUARY 10, 2022**

F-6 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-6](#)**

**DISCUSSED; CONTINUE TO JANUARY 10, 2022**

F-7 Announcements

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

## G. ADJOURNMENT 7:38 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](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)