



## MEETING MINUTES September 9, 2019

The Board of Adjustment convened in a meeting on September 9, 2019, City Council Chambers, 301 West 2nd Street, Austin, Texas.

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:32 p.m.

**Board Members in Attendance:** Brooke Bailey, Jessica Cohen, Ada Corral, William Hodge, Don Leighton-Burwell (Chair), Rahm McDaniel, Darryl Pruet, Veronica Rivera, Yasmine Smith, Martha Gonzalez (Alternate), Denisse Hudock (Alternate)

**Board Members Absent:** Melissa Hawthorne (Vice Chair) and Michael Von Ohlen  
**Board Staff in Attendance:** Elaine Ramirez (Board Liaison) and Diana Ramirez (Board Secretary), Steven Maddoux (Board Attorney)

### 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

#### A. CITIZEN COMMUNICATION

The first four (4) speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

#### B. DISCUSSION AND REQUESTED ACTION ITEMS

- B-1** Staff requests approval of August 12, 2019 draft minutes  
**Board Member Brooke Bailey motion to approve the minutes for August 12, 2019, Board Member Jessica Cohen second on a vote 10-0 (Board member Veronica Rivera late); APPROVED MINUTES FOR AUGUST 12, 2019.**

- B-2** Staff and Applicant requests for postponement and withdraw of items posted on this Agenda  
**Items C-1 and P-1 requesting postponements to October 14, 2019**  
**Board Member William Hodge motion to Grant applicant's/staff's request to Postpone Item P-1 to October 14, 2019 and Item C-1 postponement request was withdrawn by the neighborhood association, Board Member Brooke Bailey seconds on a vote 10-0 (Board member Veronica Rivera late), GRANTED APPLICANT'S/STAFF'S POSTPONEMENT ITEM P-1 ONLY.**

## C. SIGNS NEW PUBLIC HEARINGS

- C-1 C16-2019-0002 Ben Robinson for E. Salvik, Morningside Des Plaines LLC & Morningside 770 LLC  
4700 North Capital of Texas Highway**

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

- a) Section 25-10-124 (Scenic Roadway Sign District) (B) (1) to increase the maximum sign area on a lot from 64 square feet (required) to 165.88 square feet (requested)
- b) Section 25-10-125 (B) (2) from 12 feet to 17 feet on the right side due to extreme slope of terrain in order to erect a freestanding internally illuminated (individual letters only) located at this site in a "MF-1-CO", Multi-Family - Combined Overlay zoning district; Scenic Sign District.

*Note: The Land Development Code sign regulations state that Internal lighting of signs is prohibited, except for the internal lighting of individual letters.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to October 14, 2019, Board Member Brooke Bailey seconds on an 11-0 vote; POSPTONED TO OCTOBER 14, 2019.**

- C-2 C16-2019-0004 Will Marsh for USL2 Austin 901 East 6<sup>th</sup> Street LP  
901 East 6<sup>th</sup> Street**

The applicant is requesting a variance(s) from Section 25-10-133 (University Neighborhood Overlay Zoning District Sign) (F) to allow for three electrical wall signs to be placed on the fifth floor of the building in order to provide signage for a Mixed Use building in a "TOD-CURE-CO-NP", Transit Oriented District/Plaza Saltillo – Central Urban Redevelopment – Combined Overlay – Neighborhood Plan zoning district. (East Cesar Chavez)

*Note: The Land Development Code sign regulations state that no sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building, or otherwise inlaid to become part of the building.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to October 14, 2019, Board Member Yasmine Smith seconds on an 11-0 vote; POSPTONED TO OCTOBER 14, 2019.**

**D. SIGNS PREVIOUS POSTPONEMENTS**

**NONE**

**E. SIGNS RECONSIDERATIONS**

**NONE**

**F. SIGNS RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**G. INTERPRETATION NEW PUBLIC HEARINGS**

**NONE**

**H. SPECIAL EXCEPTION NEW PUBLIC HEARINGS**

**NONE**

**I. VARIANCES NEW PUBLIC HEARINGS**

**I-1 C15-2019-0047 Janis J. Smith, P.E. for David Middleton/YOLO Partners, LTD  
3707 Taylors Drive**

The applicant is requesting a variance(s) from Section 25-2-1176 (A) (1) (Site Development Regulations for Docks, Marinas, and other Lakefront Uses) to increase the Shoreline setback requirement from 30 feet (required) to 40 feet (requested) in order to erect a Boat Dock in a “SF-3-NP”, Single-Family –Neighborhood Plan zoning District (West Austin Neighborhood Plan, LA zoning Overlay).

*Note: The Land Development Code states that the director may require a dock to extend a lesser or greater distance from the shoreline if deemed necessary to ensure navigation safety.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Denisse Hudock motions to Postpone to October 14, 2019, Board Member Jessica Cohen seconds on an 11-0 vote; POSPTONED TO OCTOBER 14, 2019.**

**I-2 C15-2019-0051 Amy Morales for Leonardo Madrigal/SFC Software Factory, LLC  
707 West Slaughter Lane**

The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) (D) to increase the maximum height from 60 feet (required) to 75 feet (requested) in order to erect a Multi-Family use in a “GR-MU-V”, Community

Commercial –Mixed Use-Vertical Mixed Use zoning district. (Scenic Roadways Overlay –Slaughter Lane)

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Martha Gonzalez motions to Grant, Board Member Rahm McDaniel seconds on a 10-1 vote (Board member Don Leighton-Burwell nay); GRANTED.**

**I-3      C15-2019-0052            Nicole Blair for Susan & Mitchell Oringer  
1504 East 13<sup>th</sup> Street**

The applicant is requesting a variance(s) from Section 25-2-947 (Non-Conforming Use Regulation Groups) (B) (2) to increase the improvement value from maximum of \$56,000 to \$696,000 in order to remodel and construct an addition to a Duplex in a “SF-3-NP”, Single-Family Residence zoning district. (Central East Austin Neighborhood Plan).

*Note: The Land Development Code states that a person may improve, enlarge, or structurally alter a structure if the cost does not exceed 20 percent of the value of the structure before the improvement.*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Darryl Pruett motions to Grant with conditions to construct according to the plans provided and renovation price does not exceed \$696,000, Board Member Martha Gonzalez seconds on a 9-2 vote (Board members Rahm McDaniel and Yasmine Smith nay); GRANTED WITH CONDITIONS TO CONSTRUCT ACCORDING TO THE PLANS PROVIDED AND RENOVATION PRICE DOES NOT EXCEED \$696,000.**

**J.      INTERPRETATIONS PREVIOUS POSTPONEMENTS  
NONE**

**K.      INTERPRETATIONS RECONSIDERATIONS  
NONE**

**L.      INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS  
NONE**

**M.      SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS  
NONE**

**N.      SPECIAL EXCEPTIONS RECONSIDERTIONS  
NONE**

**O.      SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS  
NONE**

**P.      VARIANCES PREVIOUS POSTPONEMENTS**

**P-1 C15-2019-0033 Melissa Brown for Bryan Cumby  
3219 Manor Road**

The applicant is requesting a variance(s) from the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (C) (2) and (3) (Height Limitations and Setbacks for Large Sites) in order to construct a 60 foot Multi-Family use in a “CS-V-CO-NP”, General Commercial Services – Vertical Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (MLK Neighborhood Plan)

- a. The Land Development Code Section 25-2-1063 (C) (2) allows a height limit of three stories or 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, or (b) on which a use permitted in an "SF-5" or more restrictive zoning district is located.
- b. The Land Development Code Section 25-2-1063 (C) (3) allows a height limit 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.

*Note: This variance will allow for a uniform height of 60 ft. for the entire project. 60 ft. is currently allowed in portions of the project and graduating down to 40 ft. in other portions of the project.*

**POSTPONED TO OCTOBER 14, 2019**

**P-2 C15-2019-0040 Leah Bojo for Artesia 2018 Investments, LLC  
8300 North IH 35 Southbound**

The applicant is requesting a variance(s) to decrease the minimum site area requirement of Subchapter E, Article 4, Mixed Use Combining District, Section 4.2.1 (D)(6)(c) (District Standards) from a minimum requirement of 210,800 square feet (required) to 130,680 square feet (requested) in order to construct a Multi-Family use in a “CS-MU-CO-NP”, General Commercial Services –Mixed Use – Conditional Overlay – Neighborhood Plan zoning district. (Georgian Acres Neighborhood Plan). The Land Development Code requires that in an MU combining district that is combined with general office (GO), Community Commercial, (GR) General Commercial Services (CS), or Community Services – Liquor Sales (CS-1) base district, the minimum site area for each dwelling unit is: (i) 800 square feet, for an efficiency dwelling unit; (ii) 1,000 square feet, for a one bedroom dwelling unit; and (iii) 1,200 square feet, for a dwelling unit with two or more bedrooms.

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Rahm McDaniel motions to Grant with conditions as per Exhibit 3 -Restrictive Covenant and that the pool be retained with safety fencing, Board Member Denisse Hudock seconds on an 11-0 vote; GRANTED WITH CONDITIONS AS PER EXHIBIT 3-RESTRICTIVE COVENANT AND THAT THE POOL BE RETAINED WITH SAFETY FENCING.**

**P-3 C15-2019-0046 Lila Nelson for Benjamin S. Wu  
4320 James Casey Street**

The applicant is requesting a variance(s) from Section 25-2-1067 (H) (Design Regulations) Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards to

- a) decrease the minimum parking setback from 25 feet (required) on the southern and western boundaries to 0 feet (requested) and;
- b) decrease the minimum driveway setback from 20 feet (required) to 0 feet (requested),

in order to construct an accessory parking lot in a “LO-V-NP”, Limited Office – Vertical Mixed Use – Neighborhood Plan zoning district. (South Manchaca Neighborhood Plan)

*Note: The subject property is 110 ft. wide*

**The public hearing was closed by Chair Don Leighton-Burwell, Board Member Jessica Cohen motions to Postpone to October 14, 2019, Board Member Rahm McDaniel seconds on a 10-1 vote (Board member Darryl Pruett nay); POSTPONED TO OCTOBER 14, 2019.**

**Q. VARIANCE RECONSIDERATIONS  
NONE**

**R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS  
NONE**

**S. NEW BUSINESS**

**S-1 Discussion of the August 12, 2019 Board activity report  
CONTINUED TO OCTOBER 14, 2019**

**S-2 Discussion and possible action regarding Workgroups Update: Transportation Criteria/Code Recommendations Workgroup  
CONTINUED TO OCTOBER 14, 2019**

**S-3 Discussion and possible action of BOA fees resolution  
Board member Darryl Pruett motions that the BOA fees resolution be re-send to City Council and the finance committee; Board member Brooke Bailey seconds on an 11-0 vote.**

**S-4 Announcements**

**S-5** Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

**T. ADJOURNMENT 9:02 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*.