



MEETING MINUTES

March 9, 2020

The Board of Adjustment convened in a meeting on March 9, 2020, City Council Chambers, 301 West 2nd Street, Austin, Texas.

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:35 p.m.

Board Members in Attendance: Brooke Bailey, Ada Corral, Jessica Cohen, Melissa Hawthorne (Vice Chair), William Hodge, Don Leighton-Burwell (Chair), Darryl Pruett, Veronica Rivera (late 5:36), Yasmine Smith (late 6:20pm), Kelly Blume (Alternate) and Martha Gonzalez (Alternate),

Board Members Absent: Rahm McDaniel and Michael Von Ohlen

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

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.

A. DISCUSSION AND REQUESTED ACTION ITEM

A-1 Staff requests approval of February 5, 2020 draft minutes

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

Board Member Melissa Hawthorne motion to approve the minutes for February 5, 2020 with a correction on Item A-1 on the number of votes, Board Member Kelly Blume second on a vote 9-0 (Board member Jessica Cohen late, Yasmine Smith

late); **APPROVED MINUTES FOR FEBRUARY 5, 2020 WITH A CORRECTION ON ITEM A-1 ON THE NUMBER OF VOTES.**

B. DISCUSSION AND REQUESTED ACTION ITEM

B-2 Staff and Applicant requests for postponement and withdraw of items posted on this Agenda

Items I-1 requesting withdrawal, Items P-2 and P-3 requesting postponements to April 13, 2020.

Board Member Brooke Bailey motions to Grant applicant's/staff's requests for Item I-1 to withdraw and Items P-2, P-3 to postpone to April 13, 2020 with condition to Item P-3 last postponement request; Board member Darryl Pruett seconds on a vote 10-0; GRANTED APPLICANT'S/STAFF'S WITHDRAWAL ITEM I-1 AND POSTPONEMENTS ITEMS P-2 AND P-3 TO APRIL 13, 2020 WITH CONDITION TO ITEM P-3 LAST POSTPONEMENT REQUEST.

C. SIGNS NEW PUBLIC HEARINGS

NONE

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 C15-2020-0012 Victoria Haase for Milestone Community Builders LLC
2645 West 45th Street**

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

The applicant is requesting a variance(s) from Section 25-2-492 (Site Development Regulations) from lot width requirements to decrease the minimum lot width from 50 feet (required) to 34.5 feet (requested) in order to erect a Single Family House in a SF-2", Single-Family Residence.

WITHDRAWN BY APPLICANT

I-2 C15-2020-0013

**Leah Bojo for 2700 E. 5th JV, LLC
2700 E 5th Street**

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

The applicant is requesting a variance(s) to increase the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 – Development Standards, Section 25-2-1063 (C) (2) (Height Limitations and Setbacks for Large Sites) from 40 feet (maximum allowed) to 56 feet (requested) in order to erect four story (requested, three story is maximum allowed) Office Building in a “CS-MU-CO-NP”, General Commercial Services – Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (Holly Neighborhood Plan)

***Note:** 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 is permitted in an “SF-5” or more restrictive zoning district is located.*

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Grant, Board Member Ada Corral seconds on a 9-2 vote (Board members Jessica Cohen and Yasmine Smith nay); GRANTED

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 C15-2019-0046

**Lila Nelson for Benjamin S. Wu
4320 James Casey Street**

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

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

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

b) to 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 Darryl Pruett motions to Grant compatibility setback based on site plan sheet 8 of 13, Board Member Ada Corral seconds on a 9-1 vote (Board member Melissa Hawthorne nay); GRANT COMPATIBILITY SETBACK BASED ON SITE PLAN SHEET 8 OF 13.

**P-2 C15-2019-0061 Jarred Corbell for PSW-Springdale, LLC
735 Springdale Road**

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

The applicant is requesting a variance(s) to increase the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 – Development Standards, Section 25-2-1063 (C)(2) (*Height Limitations and Setbacks for Large Sites*) from 40 feet (maximum allowed) to 48 feet (requested) in order to erect a 48 ft. foot Commercial Office use in a “CS-MU-CO-NP”, General Commercial Services – Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

Note: *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.*

POSTPONED TO APRIL 13, 2020 BY APPLCIANT

**P-3 C15-2019-0063 Stephen H. Rison
1507 Fairfield Drive**

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

The applicant is requesting a variance(s) from the minimum setback requirement of LDC Section 25-2-492 (*Site Development Regulations*) (D) to decrease the rear setback requirement from 10 feet (required) to 0 feet (requested) in order to maintain an existing shed in an “SF-3-NP”, Single-Family zoning district. (Wooten Neighborhood Plan)

POSTPONED TO APRIL 13, 2020 BY APPLCIANT (LAST POSTPONEMENT)

**P-4 C15-2019-0068 Rodney K. Bennett for Carl Frank
1213 Taylor Street**

On-Line Link: [Item P-4](#)

The applicant is requesting a variance(s) from 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 10 feet (requested) in order to erect detached garage with a 2nd FL Studio/Guest Room (not to be a Two-Family Use) SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez 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 Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Grant with conditions that rear yard setback is at 15 feet and no short-term rental (STR), Board Member Jessica Cohen seconds on a 10-1 vote (Board member Yasmine Smith abstained); GRANTED WITH CONDITIONS THAT THE REAR YARD SETBACK IS AT 15 FEET AND NO SHORT-TERM RENTAL (STR).

**P-5 C15-2020-0003 David Cancialosi for Addison Thom
3409 Neal Street**

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

The applicant is requesting a variance(s) from Section 25-2-492 (*Site Development Regulations*) from lot width requirements to decrease the minimum lot width from 50 feet (required) to 33.59 feet (requested) in order to SF-3-NP", Single-Family Residence - Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Brooke Bailey motions to Postpone to April 13, 2020, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO APRIL 13, 2020.

**P-6 C15-2020-0004 Anthony Brown
1612 Newton Street**

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

The applicant is requesting a variance(s) from LDC Section 25-2-492 (D) (*Site Development Regulations*) in order to decrease the minimum lot size requirement from 5,570 square feet (required) to 3,575 square feet (requested) in order to erect a Single Family residence in a "SF-3-NP", Single-Family Residence – Neighborhood Plan zoning district. (Bouldin Creek Neighborhood Plan)

Note: This neighborhood did not adopt Small Lot Amnesty which would have allowed the applicant to build on a lot smaller than 5,750 sq. ft.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to April 13, 2020, Board Member Ada Corral seconds on an 11-0 vote; POSTPONED TO APRIL 13, 2020.

P-7 C15-2020-0005 Aixa Sola for Erin E. O'Malley

5003 Highland Court

On-Line Link: [Item P-7](#)

The applicant is requesting a variance(s) from 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 10 feet (requested) in order to erect a one story single-family residence in a SF-3", Single-Family Residence zoning district.

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 Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Grant with conditions that structure will be a single story affected area from 25 feet to 10 feet from the rear property line, Board Member William Hodge seconds on a 10-1 vote (Board member Ada Coral abstained); GRANTED WITH CONDITIONS THAT STRUCTURE WILL BE A SINGLE STORY AFFECTED AREA FROM 25 FEET TO 10 FEET FROM THE REAR PROPERTY LINE.

**P-8 C15-2020-0006 Ron Thrower for Patrick N. Dunn
2309 & 2311 Quarry Road**

On-Line Link: [Item P-8](#)

The applicant is requesting a variance(s) from Section 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback for each lot 2309 & 2311 Quarry Rd. from 25 feet (required) to 10 feet (requested) in order to erect a single-family residence per lot in a SF-3", Single-Family Residence zoning district.

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 Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to April 13, 2020, Board Member William Hodge seconds on an 11-0 vote; POSTPONED TO APRIL 13, 2020.

**P-9 C15-2020-0009 Melissa Brown for Bryan Cumby
3219 Manor Road**

On-Line Link: [Item P-9](#)

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.*

The public hearing was closed by Chair Don Leighton-Burwell, Board Member William Hodge motions to Grant, Board Member Melissa Hawthorne seconds on an 11-0 vote; GRANTED

**P-10 C15-2020-0010 Travis Young for Daniel & Amy Coops
71 Julius Street**

On-Line Link: [Item P-10](#)

The applicant is requesting a variance(s) from Section 25-2-721 (Waterfront Overlay (WO) Combining District Regulations) to (C) (1) and (2) from secondary setback area to allow construction of a home and increase the maximum allowable impervious cover from 30% (allowed) to 36.8% (requested) in order to erect a single-family residence with a detached garage and guest house in a SF-3-NP", Single-Family Residence – Neighborhood Plan zoning district (Holly Neighborhood Plan).

***Note:** Per LDC 25-2-721 Waterfront Overlay (WO) Combining District Regulations (C) In a secondary setback area:*

*(1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and
(2) impervious cover may not exceed 30 percent.*

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Darryl Pruett motions to Postpone to April 13, 2020, Board Member Brooke Bailey seconds on a 10-1 vote (Board member Don Leighton-Burwell abstained); POSTPONED TO APRIL 13, 2020.

**Q. VARIANCE RECONSIDERATIONS
NONE**

**R. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**

S. NEW BUSINESS

S-1 Discussion of the February 5, 2020 Board activity report

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

DISCUSSED, CONTINUED TO APRIL 13, 2020

- S-2 Discussion and possible action on the draft LDC; BOA LDC Workgroup Report (Workgroup Members: Leighton-Burwell, Hawthorne, Cohen, Hodge and Smith)
On-Line Link: [Item S-2](#) DISCUSSED
- S-3 Discussion and possible action on the FY 2020-21 Budget Calendar
On-Line Link: [Item S-3](#) DISCUSSED
- S-4 Discussion and possible action on the Number of Allowed Postponements; BOA Workgroup (Workgroup Members: Leighton-Burwell, Cohen and Bailey)
DISCUSSED
- S-5 Discussion and possible action regarding Workgroups Update: Transportation Criteria/Code Recommendations Workgroup (Smith, Hodge & Corral)
- Resolution re: DSD Representation (No response from City Staff)
 - Transportation Criteria Manual (e.g. Gas Islands)
 - Regular BOA Issues that might trigger Code Revision
- DISCUSSED**
- S-6 Discussion and possible action regarding workshop/training dates:
April 13, 2020 (2:00pm – 5:00pm) or May 11, 2020 (2:00pm – 5:00pm)
- Training for Members re: Setback, IC, Lake Austin/Environmental Cases AND Hardship
 - Presentation on BOA Guidelines
- BOARD MEMBERS VOTED 11-0 FOR A WORKSHOP/TRAINING ON APRIL 13, 2020 2PM-5PM AT BULLPEN**
- S-7 Announcements
- S-8 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

T. ADJOURNMENT

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.*