



MINUTES

Special Meeting of the Board of Adjustment September 14, 2020

Board of Adjustment to be held September 14, 2020 with Social Distancing Modifications

The Board of Adjustment on September 14, 2020, due to current situation with COVID-19, the meeting will be held virtually online and viewable at <http://www.atxn.tv> beginning at 5:30pm.

Public comment will be allowed via telephone; no in-person input will be allowed. **All speakers must register in advance (September 13, 2020 by Noon)**. All public comment will occur at the beginning of the meeting.

To speak remotely at the **September 14, 2020, Board of Adjustment Meeting**, residents must:

- Call or email the board liaison, Elaine Ramirez at **512-974-2202** or **elaine.ramirez@austintexas.gov** no later than noon, (**September 13, 2020**). The information required is the speaker name, item number(s) they wish to speak on, whether they are for/against/neutral, and a telephone number or email address.
- Once a request to speak has been called in or emailed to the board liaison, residents will receive either an email or phone call providing the telephone number to call on the day of the scheduled meeting.
- Speakers must call in at least 15 minutes prior to meeting start in order to speak, late callers will not be accepted and will not be able to speak.
- Speakers will be placed in a queue until their time to speak.
- Handouts or other information may be emailed to **elaine.ramirez@austintexas.gov** by Noon the day before **September 13, 2020** the scheduled meeting. This information will be provided to Board and Commission members in advance of the meeting.
- If this meeting is broadcast live, residents may watch the meeting here:
<http://www.austintexas.gov/page/watch-atxn-live>

Reunión del **Board of Adjustment**

FECHA de la reunion (**September 14, 2020**) a la 5:30 pm

<http://www.atxn.tv>

La junta se llevará con modificaciones de distanciamiento social

Se permitirán comentarios públicos por teléfono; no se permitirá ninguna entrada en persona. Todos los oradores deben registrarse con anticipación (**September 13, 2020** antes del mediodía). Todos los comentarios públicos se producirán al comienzo de la reunión.

Para hablar de forma remota en la reunión, los residentes deben:

- Llame o envíe un correo electrónico al enlace de la junta a Elaine Ramirez 512-974-2202 o elaine.ramirez@austintexas.gov a más tardar al mediodía (el día antes de la reunión). La información requerida es el nombre del orador, los números de artículo sobre los que desean hablar, si están a favor / en contra / neutrales, y un número de teléfono o dirección de correo electrónico.
- Una vez que se haya llamado o enviado por correo electrónico una solicitud para hablar al enlace de la junta, los residentes recibirán un correo electrónico o una llamada telefónica con el número de teléfono para llamar el día de la reunión programada.
- Los oradores deben llamar al menos 15 minutos antes del inicio de la reunión para poder hablar, no se aceptarán personas que llamen tarde y no podrán hablar.
- Los oradores se colocarán en una fila hasta que llegue el momento de hablar.
- Los folletos u otra información pueden enviarse por correo electrónico a elaine.ramirez@austintexas.gov antes del mediodía del día anterior a la reunión programada. Esta información se proporcionará a los miembros de la Junta y la Comisión antes de la reunión.
- Si esta reunión se transmite en vivo, los residentes pueden ver la reunión aquí: <http://www.austintexas.gov/page/watch-atxn-live>



MEETING MINUTES September 14, 2020

The Board of Adjustment meeting convened on Monday, September 14, 2020 via Videoconference; <http://www.austintexas.gov/page/watch-atxn-live> .

Don Leighton-Burwell (Chair) called the Board Meeting to order at 5:33 p.m.

Board Members in Attendance: Brooke Bailey, Jessica Cohen, Ada Corral, Melissa Hawthorne (Vice Chair), William Hodge, Don Leighton-Burwell (Chair), Rahm McDaniel, Darryl Pruett, Veronica Rivera, Yasmine Smith, Michael Von Ohlen

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

A. DISCUSSION AND REQUESTED ACTION ITEM

A-1 Staff requests approval of August 10, 2020 draft minutes

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

Board Member Jessica Cohen motions to approve the minutes for August 10, 2020, Board member William Hodge seconds on a vote 11-0; APPROVED MINUTES FOR AUGUST 10, 2020

B. DISCUSSION AND REQUESTED ACTION ITEM

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

NO POSTPONEMENTS/WITHDRAWALS

C. VARIANCES NEW PUBLIC HEARINGS

C-1 C15-2020-0040 Rodney Bennett for Pavan Narra
2303 Quarry Road

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

The applicant is requesting a variance(s) from the Land Development Code, 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 15 feet (requested) in order to erect a

detached garage with Loft and Covered Patio in a “SF-3-NP” Single-Family Residence – Neighborhood Plan zoning district (West Austin 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 Michael Von Ohlen motions to Grant as presented in the drawing C-1/7 and with condition no STR (Short-term rental), Board Member Melissa Hawthorne seconds on an 11-0 vote; GRANTED AS PRESENTED IN THE DRAWING C-1/7 AND WITH CONDITION NO STR (SHORT-TERM RENTAL).

**C-2 C15-2020-0042 Harmony Grogan for Jessie Patton-Levine
2202 West 49th Street**

On-Line Link: [Item C-2 Part1](#), [Part2](#), [Part3](#), [Presentation](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-947 (*Nonconforming Use Regulation Groups*) (B) (2) to increase the improvement value from 20% of \$69,983 (allowed) to \$150,000 (requested) in order to complete a remodel and addition to an existing single-family residence in a “SF-3-NP” Single-Family Residence zoning district

Note: Per LDC for a Nonconforming Use - 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.

Per applicant: The improvements allowed, or 20% of the value equals \$13,996. Per code, we are able to make improvements of \$13,996 and we are asking to make improvements of \$150,000.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to October 12, 2020, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO OCTOBER 12, 2020.

**C-3 C15-2020-0043 Katherine Loayza for Robin & Lorraine Moore
4708 Colorado Xing**

On-Line Link: [Item C-3 PART1](#), [PART2](#), [Presentation PART1](#), [PART2](#)

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 57.3 percent (requested), (56.1% 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 74.4 percent (requested), (73.4% 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 18.6 percent (requested), (17.1% existing)

(d) increase maximum impervious cover on a slope gradient greater than 35 percent to 13 percent (requested), (9.4% existing) in order to erect a Swimming Pool 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 13, 1982

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Grant with a Rainwater Collection (in excess of allowed impervious cover; rainwater collection should be calculated based on October 2017 table presented by City Staff to BOA), Board Member Ada Corral seconds on an 11-0 vote; GRANT WITH A RAINWATER COLLECTION (IN EXCESS OF ALLOWED IMPERVIOUS COVER; RAINWATER COLLECTION SHOULD BE CALCULATED BASED ON OCTOBER 2017 TABLE PRESENTED BY CITY STAFF TO BOA).

**C-4 C15-2020-0044 Eduardo Ponce for Scott McElwain
1209 Taylor Street**

On-Line Link: [Item C-4, Presentation](#)

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-774 (Two-Family Residential Use) (B) from lot area of 5, 750 square feet (required) to 5, 647 square feet (requested) in order to erect a Two-Family Residential use in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

Note: Per LDC for a Two-Family Residential use the minimum lot area is equivalent to a standard lot.

The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant from lot area requirements to erect Two-Family Residential use with condition that structures (existing and proposed combined) not exceed .4 FAR, Board Member Brooke Bailey seconds on an 11-0 vote; GRANTED FROM LOT AREA REQUIREMENTS TO ERECT TWO-FAMILY RESIDENTIAL USE WITH CONDITION THAT STRUCTURES (EXISTING AND PROPOSED COMBINED) NOT EXCEED .4 FAR.

**C-5 C15-2020-0048 James Flowers for Emelie Henzel
4700 Milburn Lane**

On-Line Link: [Item C-5, Presentation PART1, PART2](#)

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-774 (*Two-Family Residential Use*) (C) (2) (a) for a Two-Family Residential use location at least 10 feet to the rear or side of the principal structure (required) to a Two-Family use location at least 10 feet to the front of the principal structure (requested) in order to erect a Single Family Residence in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

Note: Per LDC the second Dwelling Unit must be contained in a structure other than the principal structure and must be located at least 10 feet to the rear or side of the principal structure

Applicant is proposing to change use of Principal structure (front) to the Two-Family Residential Use and the detached structure to be the Principal Structure (rear)

The public hearing was closed by Chair Don Leighton-Burwell, Board Member William Hodge motions to Grant with condition not to increase the gross floor area to the existing structure in the front, Board Member Brooke Bailey seconds on an 11-0 vote; GRANTED WITH CONDITON NOT TO INCREASE THE GROSS FLOOR AREA TO THE EXISTING STRUCTURE IN THE FRONT.

D. NEW BUSINESS

D-1 Discussion of the August 10, 2020 Board activity report

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

DISCUSSED, CONTINUE TO OCTOBER 12, 2020

D-2 Discussion and possible action regarding on an Open BOA Alternate Position; need Mayor Adler to make appointment, ASAP

Announced New Alternate: Donny Hamilton

D-3 Discussion and possible action regarding postponed BOA Training; and, Staff & PC Coordination Workgroup (Leighton-Burwell, Hawthorne, Von Ohlen & Bailey); 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 D-3](#)

DISCUSSED, Add Training topic “Area Character” to agenda; CONTINUE TO OCTOBER 12, 2020

D-4 Discussion and possible action regarding UNO Sign regulations – requesting presentation by City Staff (Jerry Rusthoven); and staff guidance on LA (Lake Austin) cases.

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

DISCUSSED, CONTINUE TO OCTOBER 12, 2020

- D-5** Discussion and possible action regarding on the draft LDC; BOA LDC Workgroup Report (Workgroup Members: Leighton-Burwell, Hawthorne, Cohen, Hodge and Smith)

DISCUSSED, CONTINUE TO OCTOBER 12, 2020

- D-6** Discussion and possible action regarding on the FY 2020-21 Budget Calendar - New Workgroup (Cohen, Smith and Von Ohlen) to look at access to BOA for lower income applicants and possible funding to help those without resources to pay current fees.

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

DISCUSSED, CONTINUE TO OCTOBER 12, 2020

- D-7** 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, CONTINUE TO OCTOBER 12, 2020

- D-8** Discussion and possible action regarding alternative meeting dates and locations
DISCUSSED, CONTINUE TO OCTOBER 12, 2020

- D-9** Announcements

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

E. 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](tel:512-974-2202)/elaine.ramirez@austintexas.gov or Board Secretary Diana Ramirez, Development Services, at [512-974-2241](tel: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](tel:512-974-2202)/elaine.ramirez@austintexas.gov.