



AGENDA MEETING MINUTES

February 14, 2022

The Board of Adjustment meeting convened on Monday, February 14, 2022. 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 5:32 p.m.

Board Members in Attendance (in person): Madam Jessica Cohen (Chair), Richard Smith

Board Members in Attendance (virtually via teleconference): Thomas Ates, Brooke Bailey, Melissa Hawthorne (Vice Chair), Barbara Mcarthur, Darryl Pruett, Agustina Rodriguez, Michael Von Ohlen, Kelly Blume (Alternate), Carrie Waller (Alternate)

Board Members Absent: Rahm McDaniel, 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 December 13, 2021 draft minutes

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

Board Member Melissa Hawthorne motions to approve the minutes for December 13, 2021, Board member Brooke Bailey seconds on a 10-0-1 votes (Board member Carrie Waller abstained); APPROVED MINUTES FOR DECEMBER 13, 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/staff for Items C-1, E-3, E-9, E-10 and F-1.

Board member Michael Von Ohlen motions to approve postpone requests for Items C-1, E-3, E-9, E-10 and F-1 to March 14, 2022, Board member Melissa Hawthorne seconds on an 11-0 vote; APPROVED POSTPONED REQUESTS FOR ITEMS C-1, E-3, E-9, E-10 AND F-1 TO MARCH 14, 2022 AS REQUESTED.

C. SIGNS NEW PUBLIC HEARINGS

**C-1 C16-2022-0001 Esteban Arrieta for Eames Gilmore
10107 Research Boulevard SVBD**

On-Line Link: [Item C-1](#); NO PRESENTATION; [AE REPORT](#)

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-123 (*Expressway Corridor Sign District Regulations*) (B) (3), to exceed sign height of 35 feet (maximum allowed) to 45 feet (requested) in order to complete signage for Target store in a “NBG-NP”, North Burnet Gateway-Neighborhood Plan zoning district. (Gateway Neighborhood Plan)

Note: The Land Development Code sign regulations 25-10-123 Expressway Corridor Sign Regulations (B) This subsection prescribes regulations for freestanding signs. (3) The sign height may not exceed the greater of: (a) 35 feet above frontage street pavement grade; or (b) 20 feet above grade at the base of the sign.

POSTPONED TO MARCH 14, 2022 (AE DENIAL)

D. SIGNS PREVIOUS POSTPONEMENTS

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

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

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to approve; Board Member Melissa Hawthorne seconds on a 10-1 vote (Board member Richard Smith nay); GRANTED.

E. VARIANCES NEW PUBLIC HEARINGS

**E-1 C15-2022-0001 Stephen Hawkins for Morgan & Lydia Mills
3002 Rivercrest Drive**

**On-Line Link: [Item E-1 PART1](#), [PART2](#), [PART3](#);
[PRESENTATION PART1](#), [PART 2](#), [PART3](#)**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2- 492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 40 feet (required) to 25 feet (requested) in order to erect a Single Family residence in a “LA”, Lake Austin zoning district.

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Brooke Bailey motions to postpone to March 14, 2022; Board Member Melissa Hawthorne seconds on a 10-1 vote (Board member Darryl Pruett nay); POSTPONED TO MARCH 14, 2022.

**E-2 C15-2022-0004 Ethan Goodwin
1012 Shelley Avenue**

On-Line Link: [Item E-2](#); [AE REPORT](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 21.7 feet (requested) in order to maintain a Single-Family residence in a “SF-3-NP”, Single-Family - Neighborhood Plan zoning district (Old West Austin Neighborhood Plan)

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to approve; Board Member Brooke Bailey seconds on a 10-0-1 vote (Board members Darryl Pruett abstained); GRANTED.

E-3 C15-2022-0010 Chris Paladino

4013 Clawson Road**On-Line Link: [Item E-3](#); [PRESENTATION](#); [AE REPORT](#)**

The applicant has requested variance(s) from the Land Development Code, Section 25-2 492 (D) (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 34.8 feet (requested) for front lot and 49.82 feet (requested) for rear lot in order to subdivide the current lot into 2 lots and build 2 new single family homes and 2 new second dwelling units on each lot in a “SF-3”, Single-Family Residence zoning district.

POSTPONED TO MARCH 14, 2022 (AE DENIAL)

**E-4 C15-2022-0011 Jonathan Kaplan for David Scott Kosch
2715 Long Bow Trail**

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

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 40 percent (requested)
- (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 40 percent (requested)
- (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 40 percent (requested)
- (d) increase the maximum impervious cover on a slope gradient greater than 35 percent to 40 percent (requested), in order to complete a Single-Family residence 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 November 17, 1969

*(E) This subsection specifies additional development standards based on slope gradient in a Lake Austin (LA) district. (2) On a slope with a gradient of more than **35 percent**, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.*

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to postpone to March 14, 2022; Board Member Melissa Hawthorne seconds on a 11-0 vote; POSTPONED TO MARCH 14, 2022.

**E-5 C15-2022-0012 Jonathan Kaplan for David Scott Kosch
2717 Long Bow Trail**

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

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 40 percent (requested)
- (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 40 percent (requested)
- (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 40 percent (requested)
- (d) increase the maximum impervious cover on a slope gradient greater than 35 percent to 27 percent (requested), in order to complete a Single-Family residence 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 November 17, 1969

(E) This subsection specifies additional development standards based on slope gradient in a Lake Austin (LA) district. (2) On a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to postpone to March 14, 2022; Board Member Melissa Hawthorne seconds on a 11-0 vote; POSTPONED TO MARCH 14, 2022.

**E-6 C15-2022-0013 Janis J. Smith for Dana & Lenn Sellers
3300 Blue Jay Lane**

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

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) from:

- a) (A) (1) to increase the dock length from the shoreline of 30 feet (allowed) to 53.1 feet (requested)

- b) (A) (4) (b) to increase the dock width parallel to the shoreline from 14 feet (allowed) to 16.4 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 Darryl Pruett motions to approve; Board Member Michael Von Ohlen seconds on a 11-0 vote; GRANTED.

**E-7 C15-2022-0014 Eduardo Ponce for Scott McElwain
1208 Holly Street**

On-Line Link: [Item E-7](#); [PRESENTATION](#); [AE REPORT](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 18 feet 2 ½ inches (requested) in order to erect a Single-Family residence in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Holly Neighborhood Plan)

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to approve with a condition no STR-Short-term rental in ADU; Board Member Melissa Hawthorne seconds on a 11-0 vote; GRANTED WITH A CONDITION NO STR-SHORT-TERM RENTAL IN ADU.

**E-8 C15-2022-0017 Sanjiv Kumar
1210 Angelina Street**

**On-Line Link: [Item E-8 Part1](#); [Part 2](#); [PRESENTATION PART1](#), [PART2](#);
[AE REPORT](#)**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*)(D) to decrease the minimum lot size requirement from 5,750 square feet (required) to 1,129 square feet (requested) in order to erect a Single-Family residence in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Central East Austin Neighborhood Plan).

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to approve with a condition no STR-Short-term rental in ADU; Board Member Melissa Hawthorne seconds on a 11-0 vote; GRANTED WITH A CONDITION NO STR-SHORT-TERM RENTAL IN ADU.

**E-9 C15-2022-0018 Jason McNair for Paul Smith
54 Anthony Street**

On-Line Link: [Item E-9](#); [PRESENTATION](#); [AE REPORT](#)

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

- a) Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 10.3 feet (requested)

- b) Section 25-2-943 (*Substandard Lot*) (B) (1) (a) to decrease the minimum Lot Size requirements from 4,000 square feet (required) to 3,380 square feet (requested) in order to erect a Single-Family residence with an attached garage in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Holly Neighborhood Plan)

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. (1) A substandard lot recorded in the county real property records before March 14, 1946 must: (a) have an area of not less than 4,000 square feet; and (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is: (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot; (ii) not more than 150 feet in length; and (iii) maintained for access by the property owner.

POSTPONED TO MARCH 14, 2022 (AE DENIAL)

E-10 C15-2022-0019 Andrew Ryan Thompson
607 E 49th Street

On-Line Link: [Item E-10](#); [PRESENTATION](#); [AE REPORT](#)

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

- a) Section 25-2-774 (*Two-Family Residential Use*) (C) (5) (b) from 550 square feet on the second story (maximum allowed), to 864 square feet (requested)
- b) Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 (*Maximum Development Permitted*) to increase the F.A.R from 40% (required) to 45.7% (requested) in order to remodel an existing detached Two-Family residential structure in an “SF-3-NCCD-NP”, Single-Family Residence-Neighborhood Conservation Combining District Neighborhood Plan zoning district. (North Hyde Park NCCD Neighborhood Plan)

Note: Per LDC 25-2-774 TWO FAMILY RESIDENTIAL USE (C) The second dwelling unit: (5) may not exceed: (a) 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; and (b) 550 square feet on the second story, if any; and (6) may not be used as a short term rental for more than 30 days in a calendar year if the second dwelling unit was constructed after October 1, 2015.

Per Subchapter F: The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of Section 25-1-22 (Measurements).

POSTPONED TO MARCH 14, 2022 (AE DENIAL)

F. VARIANCES PREVIOUS POSTPONEMENTS

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

On-Line Link: [Item F-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 MARCH 14, 2022 BY APPLICANT

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

On-line Link: [Item F-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.

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to postpone to March 14, 2022; Board Member Brooke Bailey seconds on an 8-1-2 vote (Board members Darryl Pruett nay, Agustina Rodriguez and Carrie Waller abstained); POSTPONED TO MARCH 14, 2022.

**F-3 C15-2021-0101 Michael Whellan for 201 E Koenig Lane, LTD
403 & 201 E. Koenig Lane, 5613 Avenue F**

On-Line Link: [Item F-3 PART1](#), [PART2](#); [PRESENTATION](#)

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.*

The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to approve; Board Member Michael Von Ohlen seconds on a 9-2 vote (Board members Barbara McArthur and Darryl Pruett nay); GRANTED.

G. NEW BUSINESS

G-1 Remarks in memoriam of former Board of Adjustment member William Hodge

G-2 Discussion of the December 13, 2021 Board activity report

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

DISCUSSED; CONTINUE TO March 14, 2022

G-3 Discussion and possible action regarding Rules of Procedure

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

DISCUSSED

G-4 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

G-5 Discussion regarding future BOA hybrid meetings/hybrid workshops.

DISCUSSED

G-6 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 March 14, 2022

G-7 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 G-7](#)

DISCUSSED; CONTINUE TO March 14, 2022

G-8 Announcements

G-9 Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

H. ADJOURNMENT 9:27PM

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