



## AGENDA MEETING MINUTES

March 14, 2022

The Board of Adjustment meeting convened on Monday, March 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 5:37 p.m.

**Board Members in Attendance (in person):** Madam Jessica Cohen (Chair), Marcel Gutierrez-Garza (Alternate)

**Board Members in Attendance (virtually via teleconference):** Thomas Ates, Brooke Bailey, Melissa Hawthorne (Vice Chair), Darryl Pruett, Agustina Rodriguez, Richard Smith, Nicholl Wade, Kelly Blume (Alternate)

**Board Members Absent:** Barbara McArthur, Rahm McDaniel, Michael Von Ohlen

**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**

### **PUBLIC 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**.

#### **A. DISCUSSION AND REQUESTED ACTION ITEM**

**A-1** Staff requests approval February 14, 2022 draft minutes

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

**Board Member Melissa Hawthorne motions to approve the minutes for February 14, 2022 with corrections for Items D-1 and F-3, Board member Brooke Bailey seconds on a 10-0 votes; APPROVED MINUTES FOR FEBRUARY 14, 2022 WITH CORRECTIONS FOR ITEMS D-1 AND F-3.**

**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 F-2, F-5, F-6, F-8 Board member Melissa Hawthorne motions to approve postpone requests for Items F-2, F-5, F-6, F-8 to April 11, 2022, Board member Brooke Bailey seconds on a 10-0 vote; APPROVED POSTPONED REQUESTS FOR ITEMS F-2, F-5, F-6, F-8 TO APRIL 11, 2022 AS REQUESTED.**

**C. SIGNS NEW PUBLIC HEARINGS**

**C-1 C16-2022-0002 Clay Hardman for Campus Investors Austin, LP  
2323 San Antonio 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*) (H) to allow for illumination of a blade sign in order to provide signage for The Castilian in a “CS-1-NP & CS-NP”, General Commercial Services - Neighborhood Plan zoning district. (West University Neighborhood Plan)

***Note:** The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (H) states a sign may not be illuminated or contain electronic images or moving parts*

**APPLICANT NO SHOW -Board Member Brooke Bailey motions to postpone to April 11, 2022; Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO APRIL 11, 2022.**

**D. SIGNS PREVIOUS POSTPONEMENTS**

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

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

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*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Darryl Pruett motions to postpone to April 11, 2022; Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO APRIL 11, 2022.**

## **E. VARIANCES NEW PUBLIC HEARINGS**

**E-1 C15-2022-0020 Valerie & John Meddaugh  
800 Bouldin Ave  
nue**

**On-Line Link: [Item D-1 PART1, PART2, PART3;](#)  
[PRESENTATION PART1, PART2, PART3, PART4, PART5, PART6, PART7](#)**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-531 (*Height Limit Exceptions*)(C) (1) in order to increase the height limit of an elevator shaft from 15%, 36.8 feet (maximum allowed) to 22%, 39 feet (requested) in order to erect an elevator for a Single Family Residence in a SF-3-NP", Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

*Note: Per LDC 25-2-531 (Height Limit Exceptions) (A) This section provides exceptions to zoning district height limits. (B) Subsection (C) applies to: (1)parapet walls, chimneys, vents, and mechanical or safety features including fire towers, stairways, elevator penthouses, heating or cooling equipment, solar installations, and protective covers; and (2) ornamental towers, cupolas, domes, and spires that are not designed for occupancy. (C) A structure described in Subsection (B) may exceed a zoning district height limit by the greater of: (1) 15 percent*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Richard Smith motions to approve; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANTED.**

**E-2 C15-2022-0021 Bhavani Singal for Heidi Lew  
3701 Robbins Road**

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

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

1. 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum Front Yard Setback from 40 feet (required) to 15 feet (requested) **and**
2. 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 48 percent (requested), (58% 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 14 percent (requested), (4% existing) in order to erect a new two story 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.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to postpone to April 11, 2022; Board Member Brooke Bailey seconds on a 10-0 vote; POSTPONED TO APRIL 11, 2022.**

**E-3 C15-2022-0022 Claudia De La Vega for Luis Jauregui  
4901 Mirador Drive**

**On-Line Link: [Item E-3; 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 40 feet (required) to 30 feet (requested) in order to erect a Single-Family residence in a “RR”, Rural Residence.

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to approve as per site plan E-3/11; Board Member Brooke Bailey seconds on a 9-0-1 vote (Board members Richard Smith abstained); GRANTED AS PER SITE PLAN E-3/11.**

**E-4 C15-2022-0024 Michael Linehan for Christian Merritt  
2206 South 3<sup>rd</sup> Street**

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

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 43.02 feet (requested) in order to erect a Single-Family Residence and Accessory structure in a SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Brooke Bailey motions to approve with condition limited to .4 FAR; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANTED WITH CONDITION LIMITED TO .4 FAR.**

## **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).

**APPLICANT NO SHOW -Board Member Melissa Hawthorne motions to postpone to June 13, 2022; Board Member Darryl Pruett seconds on a 10-0 vote; POSTPONED TO JUNE 13, 2022.**

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

**On-line Link: [Item F-2 PART1](#), [PART2](#), [PART3](#); [PRESENTATION](#)**

The applicant is requesting

<https://www.austintexas.gov/edims/document.cfm?id=378131> 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 than 5,750 square feet.*

**POSTPONED TO APRIL 11, 2022 BY BOARD MEMBERS DUE TO TWO ABSTENTIONS AND NOT ENOUGH BOARD MEMBERS PRESENT**

**F-3     C15-2022-0001             Stephen Hawkins for Morgan & Lydia Mills  
   3002 Rivercrest Drive**

**On-Line Link: [Item F-3 PART1](#), [PART2](#), [PART3](#); [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 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 deny; Board Member Darryl Pruett seconds on a 7-2-1 vote (Board members Jessica Cohen, Melissa Hawthorne nay and Marcel Gutierrez-Garza abstained); DENIED.**

**F-4      C15-2022-0010              Chris Paladino  
4013 Clawson Road**

**On-Line Link: [Item F-4; PRESENTATION](#)**

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.

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Melissa Hawthorne motions to approve with conditions as per previously approved case C15-2020-0016 dated June 8, 2020 ( F-4/10 and F-4/11) and limited to .4 FAR-conditions approved on June 8, 2020: 1) garage on both units stay as one story with no habitable space, and that 2) subdivision be compliant with the South Lamar flood mitigation plan (10% capture) even though single family use is proposed and this would not otherwise be required, and that 3) a screened area for all trash receptacles behind the property line be planned for at subdivision and added at construction; Board Member Brooke Bailey seconds on a 10-0 vote; GRANTED WITH CONDITIONS AS PER PREVIOUSLY APPROVED CASE C15-2020-0016 DATED JUNE 8, 2020 ( F-4/10 AND F-4/11) AND LIMITED TO .4 FAR-CONDITIONS APPROVED ON JUNE 8, 2020: 1) GARAGE ON BOTH UNITS STAY AS ONE STORY WITH NO HABITABLE SPACE, AND THAT 2) SUBDIVISION BE COMPLIANT WITH THE SOUTH LAMAR FLOOD MITIGATION PLAN (10% CAPTURE) EVEN THOUGH SINGLE FAMILY USE IS PROPOSED AND THIS WOULD NOT OTHERWISE BE REQUIRED, AND THAT 3) A SCREENED AREA FOR ALL TRASH RECEPTACLES BEHIND THE PROPERTY LINE BE PLANNED FOR AT SUBDIVISION AND ADDED AT CONSTRUCTION.**

**F-5      C15-2022-0011              Jonathan Kaplan for David Scott Kosch  
2715 Long Bow Trail**

**On-Line Link: [Item F-5; NO PRESENTATION](#)**

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.*

**POSTPONED TO APRIL 11, 2022 BY APPLICANT**

**F-6     C15-2022-0012             Jonathan Kaplan for David Scott Kosch  
2717 Long Bow Trail**

**On-Line Link: [Item F-6](#); NO PRESENTATION**

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.*

**POSTPONED TO APRIL 11, 2022 BY APPLICANT**

**F-7     C15-2022-0018             Jason McNair for Paul Smith  
54 Anthony Street**

**On-Line Link: [Item F-7 PART1, PART2; PRESENTATION](#)**

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.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Madam Chair Jessica Cohen motions to postpone to April 11, 2022; Board Member Melissa Hawthorne seconds on a 10-0 vote; POSTPONED TO APRIL 11, 2022.**

**F-8     C15-2022-0019             Andrew Ryan Thompson  
607 E 49<sup>th</sup> Street**

**On-Line Link: [Item F-8; PRESENTATION](#)**

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 APRIL 11, 2022 BY APPLICANT**

## **G. NEW BUSINESS**

**G-1** Discussion of the December 13, 2021 Board activity report

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

**DISCUSSED; CONTINUE TO April 11, 2022**

**G-2** 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; MADAM CHAIR TABLED THIS ITEM UNTIL AN UPDATE FROM CITY COUNCIL.**

**G-3** 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-3](#)

**DISCUSSED; CONTINUE TO April 11, 2022**

**G-4** Announcements

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

**Add to future agenda:**

**Discussion and possible action regarding to hybrid meetings (in-person/virtual)**

## **H. ADJOURNMENT 9:13 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)