



## **AGENDA MEETING MINUTES**

**April 11, 2022**

The Board of Adjustment meeting convened on Monday, April 11, 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 5:43 p.m.**

**Board Members in Attendance (in person):** Madam Jessica Cohen (Chair), Brooke Bailey, Agustina Rodriguez, Richard Smith, Michael Von Ohlen, Marcel Gutierrez-Garza (Alternate)

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

**Board Members Absent:** Barbara McArthur and Rahm McDaniel

**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 March 14, 2022 draft minutes

**On-Line Link:** [Item A-1 draft minutes](#); [Item A-1 addendum](#)

**Board Member Melissa Hawthorne motions to approve the minutes for March 14, 2022, Board member Brooke Bailey seconds on a 9-1 votes (Board members Michael**

**Von Ohlen abstained and Thomas Ates no vote due to technical issues);  
APPROVED MINUTES FOR MARCH 14, 2022.**

**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 Item C-1 and D-4  
Board member Michael Von Ohlen motions to NOT approve postpone request for Item C-1 to October 10, 2022, Board member Jessica Cohen seconds on a 9-0-1 vote (Board member Melissa Hawthorne abstained and Thomas Ates no vote due to technical issues); Substitute Motion: Board member Brooke Bailey motions to table indefinitely for Item C-1; Board member Michael Von Ohlen seconds on a 10-0 1, vote (Board member Melissa Hawthorne abstained); Item C-1 TABLED INDEFINITELY.**

**Board member Michael Von Ohlen motions to Postpone Item D-4 to May 9, 2022 due to AE denial, Board member Jessica Cohen seconds on a 10-0 vote, ITEM D-4 POSTPONED TO MAY 9, 2022**

**C. SIGNS PREVIOUS POSTPONEMENTS**

**C-1 C16-2021-0003 Michael Gaudini for Timothy Finley  
2552 Guadalupe Street**

**On-Line Link: [Item C-1 PART1](#), [PART2](#); [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 12 signs on the property:

- a) (F) to allow three (3) wall signs above the second floor, one on each the northern, southern and eastern sides.
- b) (G) (1) one projecting sign for each building façade (allowed) to two (2) projecting signs (requested) on the eastern side
- c) (H) to allow for all twelve (12) signs, nine (9) on the northern, one (1) on the southern, one (1) on the eastern and one (1) on the western sides, to all be illuminated in order to provide signage for the Moxy Hotel in a “CS-CO-NP”, General Commercial Services- Conditional Overlay Combining District– 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. (G) A wall sign is permitted if the sign

*complies with this subsection. (1) One projecting sign for each building façade is permitted. (H) A sign may not be illuminated or contain electronic images or moving parts.*

**Board member Brooke Bailey motions to table indefinitely; Board member Michael Von Ohlen seconds on a 10-0 1, vote (Board member Melissa Hawthorne abstained); TABLED INDEFINITELY.**

**C-2    C16-2022-0001            Esteban Arrieta for Eames Gilmore  
10107 Research Boulevard SVBD**

**On-Line Link: [Item C-2](#); [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 Melissa Hawthorne motions to postpone to May 9, 2022; Board Member Richard Smith seconds on a 11-0 vote; POSTPONED TO MAY 9, 2022.**

**C-3    C16-2022-0002            Clay Hardman for Campus Investors Austin, LP  
2323 San Antonio Street**

**On-Line Link: [Item C-3](#); [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*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to approve with conditions to dim the lights from 11PM to 7AM; Board Member Melissa Hawthorne seconds on a 11-0 vote; GRANTED WITH CONDITIONS TO DIM THE LIGHTS FROM 11PM TO 7AM.**

## **D.    VARIANCES NEW PUBLIC HEARINGS**

**D-1    C15-2022-0025            Karen McGraw for Suzannah Cox**

**3709 Cedar Street**

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

The applicant is requesting a variance(s) from the North University NCCD Ord. #040826-058, PART 7(Residential District) from:

- a) lot width requirements to decrease the minimum lot width from 50 feet (required) to 41 feet (requested) in order to allow a Two-Family residential use and
- b) setback requirements to decrease the minimum interior side yard setback from 5 feet (required) to 3 feet (requested) in order to erect a detached garage in an “SF-3-NCCD-NP”, Single-Family Residence-Neighborhood Conservation Combining District Neighborhood Plan zoning district. (North University NCCD Neighborhood Plan).

***Note:** (1st variance request) Ordinance No. 20110804-040 Part 3 (5) (b) Allows Two-Family use on a lot at least 5,750 square feet. The existing lot is 41 feet wide and contains 6,636 square feet.*

*(2nd variance request) North University NCCD No. 040826-058 Part 7 (3) (d) a noncomplying accessory building may be reconstructed at its existing location, but may not be less than 3 feet from the rear and interior side property lines. The owner requests to remove the existing garage and replace it with a new garage 3 feet from the south property line – not on its existing location.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to approve with conditions no STR, limited to .4 FAR, and as per Site plan D-1/8 in Presentation and 3 foot setback only length of garage; Board Member Brooke Bailey seconds on a 11-0 vote; GRANTED WITH CONDITIONS NO STR, LIMITED TO .4 FAR, AND AS PER SITE PLAN D-1/8 IN PRESENTATION AND 3 FOOT SETBACK ONLY LENGTH OF GARAGE.**

**D-2     C15-2022-0026             Michele Rogerson Lynch for Lennar-Kevin Pape  
7236 & 7240 Dancing Wind Lane**

**On-Line Link: [Item D-2](#); [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 16.5 feet (requested) for each lot in order to erect a Single-Family attached residence in a “MF-2”, Multi-Family zoning district.

**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 Darryl Pruett nay); GRANTED.**

**D-3     C15-2022-0028             Michele Rogerson Lynch for Lennar-Kevin Pape  
7125 & 7129 Dancing Wind Lane**

**On-Line Link: [Item D-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 25 feet (required) to 20.5 feet (requested) for each lot in order to erect a Single-Family attached residence in a “MF-2”, Multi-Family zoning district.

**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 10-1 vote (Board member Darryl Pruett nay); GRANTED.**

**D-4    C15-2022-0032            David Cancialosi for Cody Stavig  
2904 Rivercrest Drive**

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

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

- a) 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 40 feet (required) to 25 feet (requested) and
- b) 25-2-963 (*Modification and Maintenance of Non-Complying Structures*) (E) (1) (b) to increase the height from 23 feet 8 inches (allowed) to 24 feet 1 inch (requested) in order to remodel an existing non-complying Single-Family residence in a “LA”, Lake Austin zoning district.

***Note:** Land Development Code, Section 25-2-963 (E) A person may increase the height of a building that is a noncomplying structure based on a height requirement of this title if: (1) the increase is made to a portion of the building that: (b) complies with the yard setback requirements of this title.*

**POSTPONED TO MAY 9, 2022 DUE TO AE DENIAL**

**E.        VARIANCES PREVIOUS POSTPONEMENTS**

**E-1    C15-2021-0100            Ian Ellis  
1003 Kinney Avenue**

**On-line Link: [Item E-1 PART1](#), [PART2](#), [PART3](#); [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 Melissa Hawthorne motions to approve with conditions limited to .4 FAR, and no accessory structures; Board Member Michael Von Ohlen seconds on a 9-2 vote (Board members Darryl Pruett and Agustina Rodriguez abstained); GRANTED WITH CONDITIONS LIMITED TO .4 FAR, AND NO ACCESSORY STRUCTURES.**

**E-2     C15-2022-0011             Jonathan Kaplan for David Scott Kosch  
2715 Long Bow Trail**

**On-Line Link: [Item E-2 PART1](#), [PART2](#); 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.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Agustina Rodriguez motions to deny; Board Member Richard Smith seconds on a 6-5 vote (Board members Jessica Cohen, Melissa Hawthorne, Darryl Pruett, Kelly Blume, Marcel Gutierrez-Garza nay); DENIED.**

**E-3     C15-2022-0012             Jonathan Kaplan for David Scott Kosch**

## 2717 Long Bow Trail

### **On-Line Link: [Item E-3](#); 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.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to deny; Board Member Nicholl Wade seconds on a 10-1 vote (Board member Kelly Blume nay); DENIED.**

**E-4    C15-2022-0018                      Jason McNair for Paul Smith  
54 Anthony Street**

### **On-Line Link: [Item E-4 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 Member Michael Von Ohlen motions to approve with condition limited to .4 FAR; Board Member Brooke Bailey seconds on a 10-0 vote (Board member Nicholl Wade no vote off the dais); GRANTED WITH CONDITIONS LIMITED TO .4 FAR.**

**E-5     C15-2022-0019             Andrew Ryan Thompson  
607 E 49<sup>th</sup> Street**

**On-Line Link:** [Item E-5](#); [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).

**The public hearing was closed by Madam Chair Jessica Cohen, Board Member Michael Von Ohlen motions to approve with conditions no STR's; Chair Jessica**



**Cohen seconds on a 10-0 vote (Board member Nicholl Wade no vote off the dais);  
GRANTED WITH CONDITIONS NO STR'S.**

**E-6 C15-2022-0021 Bhavani Singal for Heidi Lew  
3701 Robbins Road**

**On-Line Link: [Item E-6 PART1, PART2; 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 Michael Von Ohlen motions to postpone to May 9, 2022; Chair Jessica Cohen seconds on a 10-0 vote (Board member Nicholl Wade no vote off the dais); POSTPONED TO MAY 9, 2022. (RE-NOTIFICATION)**

## **F. NEW BUSINESS**

**F-1 Discussion of the March 14, 2022 Board activity report**

**On-Line Link: [Item F-1](#)  
DISCUSSED; CONTINUE TO MAY 9, 2022**

**F-2 Discussion and possible action regarding Election of Officers**

**Board member Michael Von Ohlen motions to nominate Jessica Cohen for Chair and Melissa Hawthorne for Vice-Chair, Board member Brooke Bailey seconds on vote 10-0; APPROVED JESSICA COHEN FOR CHAIR AND MELISSA HAWTHORNE FOR VICE CHAIR.**

**F-3 Discussion and possible action regarding an update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).**

**On Line Link: [Item F-3 - https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045](https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045)**

**DISCUSSED; CONTINUE TO MAY 9, 2022**

- F-4** 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 F-4](#)

**DISCUSSED; CONTINUE TO MAY 9, 2022**

- F-5** Discussion and possible action regarding to hybrid meetings (in-person/virtual)

**DISCUSSED; PULL FROM AGENDA**

- F-6** Announcements

- F-7** Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests

**G. ADJOURNMENT 10:41 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)