



**AGENDA**  
**BOARD OF ADJUSTMENT**  
**July 11, 2022 at 5:30PM**  
**Austin City Hall, Council Chambers, Room 1001**  
**301 West 2<sup>nd</sup> Street, Austin, Texas 78701**

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>

Public comment will be allowed in-person or remotely by telephone. Speakers may only register to speak on an item once either in-person or remotely and will be allowed up to three minutes to provide their comments. Registration no later than noon the day before the meeting is required for remote participation.

To participate/speak remotely you will have to register with the Liaison via email [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov) or call 512-974-2202. You must register **before 12p.m. the day before the meeting, Sunday, July 10, 2022.**

___ Thomas Ates	___ Agustina Rodriguez
___ Brooke Bailey	___ Richard Smith
___ Jessica Cohen (Chair)	___ Michael Von Ohlen
___ Melissa Hawthorne (Vice Chair)	___ Nicholl Wade
___ Barbara Mcarthur	___ Kelly Blume (Alternate)
___ Darryl Pruett	___ Carrie Waller (Alternate)
___ Ryan Nill	___ Marcel Gutierrez-Garza (Alternate)

**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

CALL TO ORDER

## **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 June 13, 2022 draft minutes

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

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

**B-1** Staff and Applicant requests for postponement and withdraw of items posted on this Agenda

### **C. SIGNS PREVIOUS POSTPONEMENTS**

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

**On-Line Link:** [Item C-1](#); **NO 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*

**C-2 C16-2022-0004 Apple Tree Holdings LLC, Tony Nguyen  
4507 N IH 35 SVRD NB**

**On-Line Link:** [Item C-2 PART1](#); [PART2](#) [PART3](#); [APPLICATION/FINDINGS](#); [PRESENTATION](#)

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-123 (*Expressway Corridor Sign District Regulations*):

a) (B) (2) (b) (i) to exceed sign area of 107 square feet (maximum allowed) to 200 square feet (requested)  
and

b) (B) (3) (a) to exceed sign height of 35 feet (maximum allowed) to 50 feet (requested) in order to provide signage for a multi-tenant professional office in a “LO-NP”, Limited Office-Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan)

*Note: The Land Development Code sign regulations 25-10-123 Expressway Corridor Sign Regulations*

*(B) This subsection prescribes regulations for freestanding signs. (1) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under **Section 25-10-131** (Additional Freestanding Signs Permitted). (2) The sign area may not exceed: (a) on a lot with not more than 86 linear feet of street frontage, 60 square feet; or (b) on a lot width more than 86 linear feet of street frontage, the lesser of: (i) 0.7 square feet for each linear foot of street frontage; or (ii) 300 square feet.*

*(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.*

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

**D-1 C15-2022-0048 Rodney Bennett for Diana and William Patterson  
2500 Spring Lane**

**On-Line Link: [Item D-1](#); NO PRESENTATION**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-899 (D) (*Fences as Accessory Uses*) to exceed the average height of six (6) feet or a maximum height of seven (7) feet (required) for a solid fence along the property line in order to construct a ten (10) feet (requested) tall masonry wall/fence along Bowman Avenue in a SF-3-NP”, Single-Family-Neighborhood Plan zoning district (WANG Neighborhood Plan).

*Note: The Land Development Code 25-2-899 (D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.*

*Homeowner was Granted a fence variance in 2010 from 6 ft. to 8 ft., C15-2010-0034.*

**D-2 C15-2022-0056 Daniel Fields for Halley Wuertz  
1305 Singleton Avenue**

**On-Line Link: [Item D-2](#); [PRESENTATION PART1](#); [PRESENTATION PART2](#)**

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 rear yard setback from 10 feet (required) to 5 feet (requested) in order to erect a Single-Family residence in the rear.
- b) 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 to the front of the principal structure (requested) in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Chestnut Neighborhood Plan)

*Note: Per LDC (C) The second Dwelling Unit: (1) must be contained in a structure other than the principal structure; (2) must be located: (a) at least 10 feet to the rear or side of the principal structure; or (b) above a detached garage*

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

**D-3 C15-2022-0057 Aaron Seifert  
8114 Cache Drive**

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

The applicant is requesting a variance(s) from the Land Development Code, Section(s) 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum street side yard setback from 15 feet (required) to 5 feet (requested) in order to complete a shed in a “SF-3”, Single-Family Residence zoning district.

**D-4 C15-2022-0058 Ada Corral for Elizabeth Schaub/Karl Richichi  
2202 Longview Street**

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

The applicant is requesting a variance(s) from the Land Development Code Section 25-2-492 (*Site Development Regulations*) from setback requirements to:

1. decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested) for the existing non-complying primary residence to complete a remodel/addition  
and
2. decrease the minimum front yard setback from 25 feet (required) to 16 feet (requested) and decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested) for a detached 2-car garage accessory structure with washroom and 2<sup>nd</sup> FL Living room in a “SF-3-CO-NP”, Single-Family-Combined Overlay-Neighborhood Plan zoning district (West University Neighborhood Plan).

**D-5 C15-2022-0059 Christina Contros for Gregory A. Okorn**

**1703 Cedar Bend Drive**

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

The applicant is requesting a variance(s) from the Land Development Code Section 25-2-492 (*Site Development Regulations*) from:

- a) lot size requirements to decrease the minimum lot size of 43,564 square feet (required) to 19,934 square feet (requested)
  - b) setback requirements to decrease the minimum front yard setback from 40 feet (required) to 19 feet 5 inches (requested)
  - c) building coverage requirements to increase from 20% (maximum allowed) to 21.6% (requested)
- and
- d) impervious coverage requirements to increase I.C. from 25% (maximum allowed) to 34.5% (requested) in order to erect a one story addition to an existing Single-Family residence in a “RR”, Rural Residential zoning district.

**D-6 C15-2022-0060 Victoria Haase for CMCBH2 Company, LLC  
1609 Matthews Lane**

**On-Line Link: [Item D-6](#); 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) (B) (1) from setback requirements to decrease the setback from 25 feet (minimum allowed) to 7 feet (requested) on eastern property line and 13 feet (requested) on southern property line
- b) (C) (1) (a) from height limitations to increase the height limit from two (2) stories and 30 feet (maximum allowed) to three (3) stories and 31 feet (requested) in order to erect a three (3) story Multi-Family/Townhouse style building in a “MF-2-CO”, Multi-Family Residence Low Density-Conditional Overlay zoning district.

*Note: Section 25-2-1063 Height Limitations and Setbacks for Large Sites (B) in this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property. (1) in an urban family residence (SF-5) or more restrictive zoning district; (C) The height limitations for a structure are: (1) two stories and 30 feet, if the structure is 50 feet or less from property: (a) in an SF-5 or more restrictive zoning district;*

**D-7 C15-2022-0061 Nikelle Meade for Cortlandt Chalfant  
1401 E. 3<sup>rd</sup> Street**

**On-Line Link: [Item D-7](#); PRESENTATION**

The applicant is requesting a variance(s) from the Land Development Code, Section(s) 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum interior side yard setback from 5 feet (required) to 2.77 feet (requested) in order to complete a Single-Family residence in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

**E. VARIANCES PREVIOUS POSTPONEMENTS**

**E-1 C15-2020-0038 Jim Wittliff for Braden Crockett  
1409 Possum Trot**

**On-line Link: [Item E-1](#); [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 rear yard setback from 10 feet (required) to 5 feet (requested) in order to maintain an existing Duplex in a SF-3-NP”, Single-Family Residence – Neighborhood Plan zoning district (West Austin Neighborhood Plan).

**E-2 C15-2022-0002 Rao Vasamsetti for 5413 Guadalupe LLC  
5413 Guadalupe Street**

**On-Line Link: [Item E-2](#); NO 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 Interior Side Yard Setback from 5 feet (required) to 4 feet (requested), in order to erect a three story condominium in a “MF-4-CO-NP”, Multi-Family-Conditional Overlay-Neighborhood Plan zoning district (North Loop Neighborhood Plan).

**E-3 C15-2022-0043 Lisa Gray for Red Door LLC  
509 E. 38<sup>th</sup> Street**

**On-Line Link: [Item E-3 PART1](#); [PART2](#); [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 rear yard setback from 10 feet (required) to 9 feet (requested) in order to maintain an existing Single-Family residence in a “SF-3-CO-NP”, Single-Family-Conditional Overlay-Neighborhood Plan zoning district (Hancock Neighborhood Plan)

**E-4 C15-2022-0047 Christian Gutierrez for Steven Walker  
4522 Caswell Avenue**

**On-Line Link: [Item E-4 PART1](#), [PART2](#); [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 Rear Yard Setback from 10 feet (required) to 5 feet (requested), in order to remodel a Garage/Studio in a “SF-3-NCCD-NP”, Single-Family-Neighborhood Conservation Combining District-Neighborhood Plan zoning district (Hyde Park Neighborhood Plan).

## F. NEW BUSINESS

F-1 Discussion of the June 13, 2022 Board activity report

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

F-2 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-2](#) - <https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045>

F-3 Update from the Working Group to review and propose changes to BOA Appeals (including, but not limited to, process and fees.) Discussion and possible action by the Board based on the Working Group update. (Working group: Barbara Mcarthur, Darryl Pruett and Kelly Blume)

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

F-4 Announcements

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

## G. 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](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)