



AGENDA MEETING MINUTES

July 11, 2022

The Board of Adjustment meeting convened on Monday, July 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 5:39 p.m.

Board Members in Attendance (in person): Madam Jessica Cohen (Chair), Brooke Bailey, Ryan Nill, Michael Von Ohlen, Marcel Gutierrez-Garza (Alternate)

Board Members in Attendance (virtually via teleconference): Thomas Ates, Melissa Hawthorne (Vice Chair), Barbara McArthur, Darryl Pruett, Nicholl Wade, Carrie Waller (Alternate)

Board Members Absent: Agustina Rodriguez and Richard Smith

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 June 13, 2022 draft minutes

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

Board Member Melissa Hawthorne motions to approve the minutes for June 13, 2022, Board member Brooke Bailey seconds on a 10-1-0 votes (Board member Marcel Gutierrez-Garza abstained); APPROVED MINUTES FOR June 13, 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/neighborhood/staff for Items C-2 AE Denial; Items D-1, E-3 requesting postponement to August 8, 2022 by applicant, Item C-1 requesting withdrawal by applicant.

Board member Melissa Hawthorne motions to approve postponement requests (by applicant) for Items D-1 and E-3 and Item C-2 (AE denial) postponement request (by board) to August 8, 2022, Board member Thomas Ates seconds on an 11-0 vote, ITEMS D-1, E-3 and C-2 POSTPONED TO AUGUST 8, 2022 AND C-1 WITHDRAWN BY APPLICANT.

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

WITHDRAWN BY APPLICANT

**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.

POSTPONED TO AUGUST 8, 2022 BY BOARD (AE DENIAL)

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.

POSTPONED TO AUGUST 8, 2022 BY APPLICANT

**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.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with conditions that it ties the current house to presentation item D-2/3 (proposed site plan), house stays where it is, limited to 0.4 FAR, no new parking spaces in front and no STR (Short-Term Rental); Board member Melissa Hawthorne seconds on a 11-0 vote; GRANTED WITH CONDITIONS THAT IT TIES THE CURRENT HOUSE TO PRESENTATION ITEM D-2/3 (PROPOSED SITE PLAN), HOUSE STAYS WHERE IT IS, LIMITED TO 0.4 FAR, NO NEW PARKING SPACES IN FRONT AND NO STR (SHORT-TERM RENTAL).

**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.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with condition that the variance only applies to the proposed structure (new shed) Board member Melissa Hawthorne seconds on a 11-0 vote; GRANTED WITH CONDITION THAT THE VARIANCE ONLY APPLIES TO THE PROPOSED STRUCTURE (NEW SHED).

**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 2nd FL Living room in a “SF-3-CO-NP”, Single-Family-Combined Overlay-Neighborhood Plan zoning district (West University Neighborhood Plan).

The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to approve; Board member Brooke Bailey seconds on a 11-0 vote; GRANTED.

**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.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Ryan Nill motions to approve; Board member Melissa Hawthorne seconds on a 11-0 vote; GRANTED.

**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;

The public hearing was closed by Madam Chair Jessica Cohen, Board member Barbara Mcarthur motions to postpone to August 8, 2022; Board member Nicholl Wade seconds on a 11-0 vote; POSTPONED TO AUGUST 8, 2022.

**D-7 C15-2022-0061 Nikelle Meade for Cortlandt Chalfant
1401 E. 3rd 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)

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to postpone to September 12, 2022; Board member Melissa Hawthorne seconds on a 10-1 vote (Board member Barbara Mcarthur nay); POSTPONED TO SEPTEMBER 12, 2022.

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).

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with condition that this variance only applies to the existing duplex structure located at 1409 Possum Trot, if structure is demolished the variance is rescinded; Board member Melissa Hawthorne seconds on a 11-0 vote; GRANTED WITH CONDITION THAT THIS VARIANCE ONLY APPLIES TO THE EXISTING DUPLEX STRUCTURE LOCATED AT 1409

POSSUM TROT, IF STRUCTURE IS DEMOLISHED THE VARIANCE IS RESCINDED.

**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).

The public hearing was closed by Madam Chair Jessica Cohen, Board member Jessica Cohen motions to postpone to September 12, 2022; Board member Melissa Hawthorne seconds on a 11-0 vote; POSTPONED TO SEPTEMBER 12, 2022.

**E-3 C15-2022-0043 Lisa Gray for Red Door LLC
509 E. 38th 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)

POSTPONED TO AUGUST 8, 2022 BY APPLICANT

**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).

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

F. NEW BUSINESS

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

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

DISCUSSED, CONTINUE TO AUGUST 8, 2022

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

DISCUSSED, CONTINUE TO AUGUST 8, 2022

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](#)

DISCUSSED, CONTINUE TO AUGUST 8, 2022

F-4 Announcements **By the board: Welcome new board member Ryan Nill**

DISCUSSED, CONTINUE TO AUGUST 8, 2022

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

G. ADJOURNMENT 9:33

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

The minutes were approved at the August 8, 2022 meeting on Melissa Hawthorne's motion, Jessica Cohen second on a (9-0) vote. Board member Richard Smith abstained