



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
MONDAY, AUGUST 8, 2022**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, August 8, 2022, at 301 West 2nd Street in Austin, Texas.

Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:33 p.m.

Board Members/Commissioners in Attendance:

Jessica Cohen – Chair, Brooke Bailey, Ryan Nill, Agustina Rodriguez, Richard Smith

Board Members/Commissioners in Attendance Remotely:

Melissa Hawthorne-Vice Chair, Barbara Mearthur, Darryl Pruett, Marcel Gutierrez-Garza (Alternate)

PUBLIC COMMUNICATION: GENERAL

None

APPROVAL OF MINUTES

1. Approve the minutes of the Board of Adjustment Regular meeting on July 11, 2022 and Board of Adjustment Special called meeting on July 13, 2022.

On-Line Link: [Draft minutes July 11, 2022](#)

The minutes from the meeting of (7/11/2022) were approved on Melissa Hawthorne's motion, Chair Jessica Cohen second on a (8-0-1) vote. (Board member Richard Smith abstained)

On-Line Link: [Draft minutes July 13, 2022](#)

The minutes from the Special called meeting of (7/13/2022) were approved on Melissa Hawthorne's motion, Chair Jessica Cohen second on a (7-0-2) vote. (Board members Melissa Hawthorne and Barbara Mearthur abstained)

PUBLIC HEARINGS

2. Discussion of staff and applicant requests for postponement and withdrawal of public hearing cases posted on the agenda.

Requesting postponement by applicant for Item 8 to September 12, 2022.

Chair Jessica Cohen motions to approve the postponement requests (by applicant) for Item 8 to September 12, 2022, Board member Brooke Bailey second on 9-0 vote, ITEM 8 POSTPONED TO SEPTEMBER 12, 2022

Previous Postponements Sign cases:

3. C16-2022-0004 Apple Tree Holdings LLC, Tony Nguyen
4507 N IH 35 SVRD NB

On-Line Link: [Item 3 PART1](#); [PART2](#); [PART3](#); [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.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Brooke Bailey motions to postpone to October 10, 2022; Board member Melissa Hawthorne second on 9-0 vote; POSTPONED TO OCTOBER 10, 2022.

New Variance cases:

4. C15-2022-0046 Ricca Keepers for Leslie Socha
1101 Quaker Ridge Drive

On-Line Link: [Item-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 decrease the minimum Street Side Yard Setback from 15 feet (required) to 10 feet (requested), in order to erect an addition above the garage in a “SF-2”, Single-Family zoning district.

Due to lack of board members applicant requests to postpone, Chair Jessica Cohen motions to postpone to September 12, 2022; Board member Melissa Hawthorne second on 8-0-1 vote (Board member Richard Smith abstained); POSTPONED TO September 12, 2022.

5. C15-2022-0064 Mark Vornberg for Nickie and Eric Froiland
1014 Avondale Road

On-Line Link: [Item-5; 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 12 feet 3 inches (requested), in order to erect a Carport in a “SF-3-NP”, Single-Family- Neighborhood Plan zoning district (South River City Neighborhood Plan).

The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to approve; Board member Brooke Bailey second on 9-0 vote; GRANTED.

Previous Postponement Variance cases

6. C15-2022-0043 Lisa Gray for Red Door LLC
509 E. 38th Street

On-Line Link: [Item-6; 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)

Due to lack of board members applicant requests to postpone, Chair Jessica Cohen motions to postpone to September 12, 2022; Board member Melissa Hawthorne second on 9-0 vote; POSTPONED TO September 12, 2022.

7. C15-2022-0048 Rodney Bennett for Diana and William Patterson
2500 Spring Lane

On-Line Link: [Item 7; 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.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to approve with condition that this is tied only to the area highlighted (on Bowman Ave.) as shown in the advance packet drawing Item-7/3, only side of the shopping center; Board member Barbara McArthur second on 9-0 vote; GRANTED WITH CONDITION THAT THIS IS TIED ONLY TO THE AREA HIGHLIGHTED (ON BOWMAN AVE.) AS SHOWN IN THE ADVANCE PACKET DRAWING ITEM-7/3, ONLY SIDE OF THE SHOPPING CENTER.

8. C15-2022-0060 Victoria Haase for CMCBH2 Company, LLC
1609 Matthews Lane

On-Line Link: [Item-8](#); NO 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;

POSTPONED TO SEPTEMBER 12, 2022 BY APPLICANT

DISCUSSION ITEMS

9. Discussion of the July 11, 2022/July 13, 2022 BOA activity report

On-Line Link: [Item-9](#)

DISCUSSED, CONTINUE TO September 12, 2022

DISCUSSION AND ACTION ITEMS

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

On Line Link: [Item 10](#) - <https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045>

DISCUSSED, CONTINUE TO September 12, 2022

11. Discussion and possible action by the Board based on the Working Group update on proposed changes to BOA Appeals. (Working group: Barbara Mcarthur, Darryl Pruett and Kelly Blume)

On-Line Link: [Item 11](#)

DISCUSSED, CONTINUE TO September 12, 2022

WORKING GROUP/COMMITTEE UPDATES

12. Update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).

13. Update from the Working Group to review and propose changes to BOA Appeals (including, but not limited to, process and fees.). (Working group: Barbara McArthur, Darryl Pruett and Kelly Blume)

FUTURE AGENDA ITEMS

14. Discussion of future agenda items, staff requests and potential special called meeting and/or workshop requests

ADJOURNMENT 7:36PM

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 business days before the meeting date. Please call the Board Liaison Elaine Ramirez, Development Services Department at 512-974-2202 or email elaine.ramirez@austintexas.gov or the Board Secretary Diana Ramirez, Development Services Department at 512-974-2241 or email 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's Elaine Ramirez, Development Services Department at [512-974-2202/](tel:512-974-2202)
elaine.ramirez@austintexas.gov

The minutes were approved at the September 12, 2022 meeting on Board member Melissa Hawthorne's motion, Board member Brooke Bailey second on a 7-0-4 (Board members abstained Thomas Ates, Michael Von Ohlen, Nicholl Wade, Carrie Waller)