



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
MONDAY, September 12, 2022**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, September 12, 2022, at 301 West 2nd Street in Austin, Texas.

Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:34 p.m.

Board Members/Commissioners in Attendance:

Jessica Cohen – Chair, Brooke Bailey, Michael Von Ohlen, Nicholl Wade

Board Members/Commissioners in Attendance Remotely:

Melissa Hawthorne-Vice Chair, Thomas Ates, Barbara McArthur, Darryl Pruett, Richard Smith, Kelly Blume (Alternate) and Carrie Waller (Alternate)

Board Member/Commissioners absent:

Agustina Rodriguez

PUBLIC COMMUNICATION: GENERAL

None

PUBLIC COMMUNICATION: GENERAL

The first (4) four speakers signed up/register prior (**no later than noon the day before the meeting**) to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

None

APPROVAL OF MINUTES

1. Approve the minutes of the Board of Adjustment Regular meeting on August 8, 2022.

On-Line Link: [Draft minutes August 8, 2022](#)

Board Member Melissa Hawthorne motions to approve the minutes for August 8, 2022, Board member Brooke Bailey seconds on a 7-0-4 votes (Board members Thomas Ates, Michael Von Ohlen, Nicholl Wade, Carrie Waller abstained); APPROVED MINUTES FOR August 8, 2022.

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 9 to October 10, 2022.

Board member Michael Von Ohlen motions to approve the postponement request (by applicant) for Item 9 to October 10, 2022, Board member Brooke Bailey second on 11-0 vote, ITEM 9 POSTPONED TO OCTOBER 10, 2022

New Sign cases:

3. C16-2022-0005 Jaden Rodriguez for Leo Garcia
7712 Elroy Road

On-Line Link: [Item-3](#); [AE REPORT](#); [PRESENTATION](#)

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-130 (*Commercial Sign District Regulations*) (G) (1) from sign height of 30 feet above frontage street pavement grade (maximum allowed) to 40 feet (requested) above frontage street pavement grade in order to provide signage for The Circuit of the Americas in a “PUD”, Planned Unit Development zoning district.

Note: The Land Development Code sign regulations 25-10-130 Commercial Sign District Regulations. (A) This section applies to a commercial sign district. (B) One Freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 25-10-131 (Additional Freestanding Signs Permitted).

*(G) The sign height may not exceed the greater of:
(1) 30 feet above frontage street pavement grade; or
(2) 6 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 October 10, 2022; Board member Michael Von Ohlen second on 11-0 vote; POSTPONED TO OCTOBER 10, 2022.

New Variance cases:

4. C15-2022-0065 Daniel Strinden
1700 Loreto Drive

On-Line Link: [Item-4](#); [AE REPORT](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-515 (*Rear Yard of a Through Lot*) from setback requirements to decrease the minimum rear yard setback from 25 feet (required) to 15 feet (requested) in order to erect a detached Two-Family residential unit in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (MLK Neighborhood Plan)

Note: Per LDC 25-2-515 Rear Yard of Through Lot for a Through Lot, a rear yard must comply with the minimum requirements applicable to a front yard.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to Approve; Madam Chair Jessica Cohen second; Board member Michael Von Ohlen withdraws the motion to Approve and motions to Postpone to November 14, 2022, Board member Brooke Bailey second on 11-0 vote; POSTPONED TO NOVEMBER 14, 2022.

Previous Postponement Variance cases

5. C15-2022-0002 Marek Hnizda for Guadalupe Heights LLC
5413 Guadalupe Street

On-Line Link: [Item-5](#); [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) (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 30 feet (requested) for a building located 50-ft or less from property in an SF-5 or more restrictive zoning district

b) (C) (2) (a) from height limitations to increase the height limit from three (3) stories and 40 feet (maximum allowed) to four (4) stories and 40 feet (requested) **and Section 25-2-1064 (*Front Setback*)**:

c) (1) (a) to decrease the front setback from 25 feet (minimum required) to 15 feet (requested) on a tract that adjoins property in an SF-5 or more restrictive zoning district and fronts on the same street in order to erect a Multi-Family building in a “MF-4-CO”, Multi-Family Residence Moderate-High Density-Conditional Overlay zoning district.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to postpone to October 10, 2022; Board member Melissa Hawthorne second on 11-0 vote; POSTPONED TO OCTOBER 10, 2022.

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

On-Line Link: [Item-6 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)

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to Approve with condition that the variance is contingent on the original structure remaining, Board member Melissa Hawthorne second on 10-0 vote (Board member Richard Smith no vote); GRANTED WITH CONDITION THAT THE VARIANCE IS CONTINGENT ON THE ORIGINAL STRUCTURE REMAINING.

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

On-Line Link: [Item-7](#); [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.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to Approve; Madam Chair Jessica Cohen second on 11-0 vote; GRANTED.

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

On-Line Link: [Item-8](#); [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 Michael Von Ohlen motions to Approve with condition that it’s tied to site plan Item 8/3 as shown in the advance packet; Board member Melissa Hawthorne second on 8-3 vote (Board members Barbara McArthur, Darryl Pruet, Richard Smith nay); Motion fails; DENIED.

9. C15-2022-0061 Nikelle Meade for Cortlandt Chalfant
1401 E. 3rd Street

On-Line Link: [Item 9 PART1](#); [PART2](#); [PART3](#) NO 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)

POSTPONED TO OCTOBER 10, 2022 BY APPLICANT

DISCUSSION ITEMS

10. Discussion of the August 8, 2022 BOA activity report

On-Line Link: [Item-10](#)

DISCUSSED, CONTINUE TO October 10, 2022

DISCUSSION AND ACTION ITEMS

11. Discussion and possible action regarding an update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).
On Line Link: [Item 11 - https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045](https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045); [ITEM 11 UPDATE](#)
DISCUSSED, CONTINUE TO October 10, 2022
12. 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 12](#)
DISCUSSED, CONTINUE TO October 10, 2022
13. Discussion and possible action regarding the Board's Annual Internal Review Report (July 1, 2021-June 30, 2022) to Council
DISCUSSED, CONTINUE TO October 10, 2022

WORKING GROUP/COMMITTEE UPDATES

14. Update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).
15. 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

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

ADJOURNMENT 7:58 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 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/elaine.ramire@austintexas.gov](https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045)

The minutes were approved at the October 10, 2022 meeting on Board member Brooke Bailey's motion, Board member Melissa Hawthorne second on a 8-0-1 (Board member Marcel Gutierrez-Garza abstained).