



REGULAR MEETING of the BOARD OF ADJUSTMENT
November 14, 2022 AT 5:30PM
Austin City Hall, Council Chambers, Room 1001
301 West 2nd 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 via 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 by telephone. To register to speak remotely, email elaine.ramirez@austintexas.gov or call 512-974-2202.

CURRENT BOARD MEMBERS:

___ 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)
	___ Marcel Gutierrez-Garza (Alternate)

AGENDA

CALL TO ORDER

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.

APPROVAL OF MINUTES

1. Approve the minutes of the Board of Adjustment Regular meeting on October 10, 2022.
On-Line Link: [Draft minutes October 10, 2022](#)

PUBLIC HEARINGS

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

Sign New case:

3. C16-2022-0011 Ezzi Signs for Michael Mann
7309 Lazy Creek Drive

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

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10 Sign Regulations, Article 5 Regulations applicable to all Sign Districts, Section 25-10-101 (*General On-Premise Signs*), requesting a total of 1 sign(s) on the property

- a) (B)(1)(b) to exceed sign area of 12 square feet (maximum allowed) to 80 square feet (requested)
and
- b) (B) (1)(c)(ii) to exceed sign height of building façade, 30 feet (maximum allowed) to 36 feet (requested) in order to attach a wall sign on a two-story school building in a “SF-3”, Single-Family zoning district.

Note: The Land Development Code *Sign Regulations 25-10-101 General On-Premise signs*

(B) Signs for Commercial, Multi-Family, Civic and Industrial Uses. Unless specifically limited to a particular use, the following signs are allowed on a site containing any lawfully permitted commercial, multi-family, civic, or industrial use;

(1) A freestanding or wall sign, such as those typically used to direct the movement or placement of vehicular or pedestrian traffic, provided that:

(a) no more than one sign is allowed for each building or curb cut;

(b) sign area may not exceed 12 square feet; and

(c) sign height may not exceed:

(i) four feet, for a freestanding sign; or

(ii) the height of the building façade, for a wall sign.

Previous postponement Sign cases:

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

On-Line Link: [Item-4; NO 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.

New Variance cases:

5. C15-2022-0082 Brian Wills for Justin and Joy Hirsch
2406 Sweetbrush Drive

On-Line Link: [Item-5; 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 (adjacent to Matthews Dr) from 25 feet (required) to 10 feet (requested) in order to erect an attached Garage/Guest House/Addition in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (West Austin Neighborhood Group)

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.

Previous Postponement Variance cases

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

On-Line Link: [Item 6 PART1, PART2, PART3, PART4, PART5, PART6; 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 10 feet (requested) in order to complete a Single-Family residence and accessory dwelling unit in a “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

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

On-Line Link: [Item-7; WITHDRAWN BY APPLICANT](#)

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.

8. C15-2022-0071 Micah King for Daniel Mitchell
2311 Lafayette Avenue

On-Line Link: [Item-8 PART1; PART2; PRESENTATION](#)

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-774 (*Two-Family Residential Use*)

- a) (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 to the front of the principal structure (requested);
and
- b) (C) (5) (a) to increase the total square footage of a Secondary Dwelling unit from the lesser of 1,100 square feet or 0.15 FAR (maximum allowed), 901.5 square feet to 948 square feet (requested) in order to erect a principal Single-Family residence in rear and change use of existing principal structure to a Two-Family Residential use in front in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (Upper Boggy Creek Neighborhood Plan)

Note: Per LDC 25-2-774 - TWO-FAMILY RESIDENTIAL USE.

(A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.

(B) For a two-family residential use the minimum lot area is equivalent to a standard lot.

(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;

(3) may be connected to the principal structure by a covered walkway;

(4) may not exceed a height of 30 feet, and is limited to two stories;

(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.

Reconsideration cases:

- 9. C15-2022-0067 Jose Minguell
2614 Canterbury Street

On-Line Link: [Item-9; 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 6 inches (requested), in order to maintain two (2) small sheds - a utility shed and bike shed in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Holly Neighborhood Plan).

Previous Postponement Reconsideration cases:

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

On-Line Link: [Item-10 PART1, PART2; 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 10 feet (requested) on eastern property line and 14 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.

DISCUSSION ITEMS

11. Discussion of the October 10, 2022 BOA activity report

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

DISCUSSION AND ACTION ITEMS

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

On Line Link: [Item 12 UPDATE1- https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045](#); [ITEM 12 UPDATE2](#)

13. 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 13](#)

FUTURE AGENDA ITEMS

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

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 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.ramire@austintexas.gov