



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
MONDAY, April 10, 2023**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, April 10, 2023, at 301 West 2nd Street in Austin, Texas.

Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:35 p.m.

Board Members/Commissioners in Attendance in-Person:

Brooke Bailey, Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Michael Von Ohlen and New board member Margaret Shahrestani

Board Members/Commissioners in Attendance Remotely:

Thomas Ates, Agustina Rodriguez, Richard Smith, Janel Venzant, Kelly Blume (Alternate),

Board Member/Commissioners absent:

Nicholl Wade

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 March 13, 2023.

On-Line Link: [DRAFT MINUTES March 13, 2023](#)

Vice-Chair Melissa Hawthorne motions to approve the minutes for March 13, 2023, Board member Brooke Bailey seconds on 9-0-1 votes (Board member Margaret Shahrestani abstains); APPROVED MINUTES FOR .MARCH 13, 2023.

PUBLIC HEARINGS

2. Discussion of staff and applicant requests for postponement and withdrawal of public hearing cases posted on the agenda.
Applicant is requesting to withdraw Item 4 and Item 5.

Item 4 and Item 5 -WITHDRAWN

New Variance cases:

3. C15-2023-0018 Emma Esparza and Cavan Merski
3204 Lafayette Avenue

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

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

- 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 at to the front of the principal structure (requested)
and
b) (C) (5) (a) to increase the total square footage of a Two-Family dwelling unit from the lesser of 1,100 square feet or 0.15 FAR (maximum allowed) to 1,100 square feet FAR, (existing FAR is 1,042 sq. ft.) in order to erect a principle Single Family Residence to the rear and change use of existing front Primary Structure to a Two-Family Residential use 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.

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 10-0 votes; GRANTED WITH CONDITON NO STR (SHORT-TERM RENTAL).

Reconsideration case:

4. C15-2023-0001 David Webber for Gale Giger
906 Ebony Street

On-Line Link: [Item 4 Part1](#); [Part2](#) ; [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards Section 2.1 (*Maximum Development Permitted*) to increase the Gross Floor area of 2,300 square feet (maximum allowed) to 3,014.5 square feet (requested) in order to remodel an existing single-family residence in an “SF-3-NP”, Single-Family- Neighborhood Plan zoning district (Bouldin Creek).

NOTE: The applicant is reducing the variance request from 3,014.5 square feet to 2,500 square feet.

Previous Postponement Variance cases

5. C15-2023-0014 Gary and Melissa Prust
1204 Crestwood Road

On-Line Link: [Item 5 PART1](#); [PART2](#), [PART3](#); 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 0 feet (requested) in order to erect an outdoor wooden deck and trellis in a “SF-3-NP”, Single-Family - Neighborhood Plan zoning district (Upper Boggy Creek Neighborhood Plan)

WITHDRAWN BY APPLICANT

DISCUSSION ITEMS

6. Discussion of the March 13, 2023 BOA activity report
On-Line Link: [Item-6](#)
CONTINUED TO MAY 8, 2023
7. Discussion regarding future training for board members
CONTINUED TO MAY 8, 2023
8. Discussion regarding Senate Bill 491
On-Line Link: [Item-8](#)
CONTINUED TO MAY 8, 2023

DISCUSSION AND ACTION ITEMS

9. Discussion and possible action regarding Election of Officers
Board member Michael Von Ohlen motions to nominate Jessica Cohen for Chair and Melissa Hawthorne for Vice-Chair, Board member Brooke Bailey seconds, vote of affirmation; APPROVED JESSICA COHEN FOR CHAIR AND MELISSA HAWTHORNE FOR VICE CHAIR.
10. Discussion and possible action regarding an update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).
On Line Link: [Item10 UPDATE1](#)- <https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045>; [ITEM 10 UPDATE2](#)
CONTINUED TO MAY 8, 2023
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](#)
Discuss to remove Board member Barbara Mcarthur and Darryl Pruett from working group, CONTINUED TO MAY 8, 2023

12. Discussion and possible action regarding Board vacancies
Michael Von Ohlen motions to amend the BOA Rules of Procedure; Board member Brooke Bailey seconds; a substitute motion by board member Richard Smith to Postpone to May 8, 2023, Board member Margaret Shahrestani seconds on 5-5 votes (Board members Brooke Bailey, Chair Jessica Cohen, Vice-Chair Melissa Hawthorne, Agustina Rodriguez, Michael Von Ohlen nay); motion fails; original motion to amend the BOA Rules of Procedure votes 9-1 (Board member Richard Smith nay), APPROVE TO AMEND THE BOA RULES OF PROCEDURE.
13. Discussion and possible action to amend the rules of procedure or bylaws
Board Member Von Ohlen moved to implement Robert's Rules of Order to resolve ambiguous or conflicting rules as it relates to alternates and move that duly sworn members who serve as alternates have the legal authority to serve in case of a vacancy or if a member is temporarily absent and unable to attend a given meeting and be duly amended in Board of Adjustment Rules and Procedures.

FUTURE AGENDA ITEMS

14. Discussion of future agenda items, staff requests and potential special called meeting and/or workshop requests
Discussion regarding House Bill on minimum lot size
Discussion and possible action regarding working group for BOA Rules of Procedure and Bylaws

ADJOURNMENT 7:23PM

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