



REGULAR MEETING of the BOARD OF ADJUSTMENT
July 10, 2023 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:

___ <i>Thomas Ates</i>	___ <i>Richard Smith</i>
___ <i>Jessica Cohen (Chair)</i>	___ <i>Janel Venzant</i>
___ <i>Melissa Hawthorne (Vice-Chair)</i>	___ <i>Michael Von Ohlen</i>
___ <i>Brian Poteet</i>	___ <i>Nicholl Wade</i>
___ <i>Marcel Gutierrez-Garza</i>	___ <i>Kelly Blume (Alternate)</i>
___ <i>Margaret Shahrestani</i>	___ <i>Suzanne Valentine (Alternate)</i>
	___ <i>Carrie Waller (Alternate)</i>

The Board of Adjustment may go into closed session to receive advice from legal counsel regarding any item on this agenda (Private consultation with legal counsel – Section 551.071 of the Texas Government Code).

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 June 12, 2023.

On-Line Link: [DRAFT MINUTES June 12, 2023](#)

PUBLIC HEARINGS

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

Previous Postponement Variance cases

3. C15-2023-0023 Richard Mathias for Tom Blank
1205 Bickler Road

On-Line Link: [Item03 ADV PACKET](#); [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 attach a Carport in a “SF-3-NCCD-NP”, Single-Family - Neighborhood Conservation Combining District - Neighborhood Plan zoning district (South River City Neighborhood Plan; Fairview Park Subdistrict)

4. C15-2023-0025 Charles Dunigan for Paul Le
6506 Hergotz Lane

On-Line Link: [Item04 ADV PACKET](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code: Section 25-2-943 (*Substandard Lot*)

a) (B) (2) (a) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 4,177 square feet (requested)

and

b) (B) (2) (b) to decrease the minimum Lot Width requirements from 50 feet (required) to 44 feet (requested), in order to erect a Single-Family residence in a “SF-3-NP”, Single-Family zoning district.

Note: 25-2-943 SUBSTANDARD LOT

(B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.

(2) A substandard lot recorded in the county real property records after March 14, 1946 must:

(a) have an area of not less than 5,750 square feet; and

(b) be not less than 50 feet wide at the street or at the building line.

5. C15-2023-0026 Perry Hunt for Bilal Khan

15 Margranita Crescent

On-Line Link: [Item05 ADV PACKET 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 F.A.R from 40% (required) to 42.61% (requested), in order to enclose the tandem carport and create a tandem garage to an existing single family residence in an “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (WANG Neighborhood Plan)

6. C15-2023-0027 JP Sullivan for Mayo C. Cuellar
1305 S 6th Street

On-Line Link: [Item06 ADV PACKET PART1; PART2 PART3; PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 47 feet (requested), in order to subdivide a residential lot in a SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

New Sign Variance case

7. C16-2023-0002 Michael J Whellan for Mark Worsham
901W. Ben White Boulevard

On-Line Link: [Item07 ADV PACKET ; PRESENTATION; AE REPORT APPVD](#)

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-123 (*Expressway Corridor Sign District Regulations*) (B) (3) (b), to exceed sign height of 20 feet (maximum allowed) above grade at the base of the sign to 35 feet (requested) above grade at the base of the sign in order to remodel illuminated Freestanding Wayfinding Pylon Sign – Emergency Services in a “PUD-NP”, Planned Unit Development-Neighborhood Plan zoning district. (South Manchaca 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.

New Variance cases:

8. C15-2023-0028 Jeremy Siltala for Terry Eaton and Robert Williams III
900 W North Loop Boulevard

On-Line Link: [Item08 ADV PACKET ; PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code: Article 10, Compatibility Standards, Division 2 –Development Standards,

1. Section 25-2-1067 (*Design Regulations*) (H) to decrease the side setback from 9 feet (required) to 5 feet (requested) for parking on a site that is 64 feet in width.

2. Section 25-2-1062 (*Height Limitations and Setbacks for Smaller Sites*) (C) from setback requirements to:

decrease the side setback requirement from 17.5 feet (required) to 5 feet (requested) on the west property line, and to reduce the rear building setback from 17.5 feet (required) to 11 feet (requested) on the north property line for the existing and proposed improvements to maintain existing structure and construct a proposed parking lot, on a site that has 64 feet of street frontage in a “LO-MU-NP”, Limited Office-Mixed Use-Neighborhood Plan Zoning District (Brentwood Neighborhood Plan).

Note: Section 25-2-1062 Height Limitations and Setbacks for Smaller Sites

(A) This section applies to a site that has:

(1) an area that does not exceed 20,000 square feet; and

(2) a street frontage that does not exceed 100 feet.

(C) If a site has a street frontage that is more than 50 feet, but that does not exceed 100 feet, the side and rear setback requirements are as follows:

<u>Length of Street Frontage (Feet)</u>	<u>Side and Rear Setback (Feet)</u>
50.01 to 52.50	15.0
52.51 to 54.99	15.5
55.00 to 57.50	16.0
57.51 to 59.99	16.5
60.00 to 62.50	17.0
62.51 to 64.99	17.5
65.00 to 67.50	18.0
67.51 to 69.99	18.5
70.00 to 72.50	19.0
72.51 to 74.99	19.5
75.00 to 77.50	20.0
77.51 to 79.99	20.5
80.00 to 82.50	21.0
82.51 to 84.99	21.5
85.00 to 87.50	22.0
87.51 to 89.99	22.5
90.00 to 92.50	23.0
92.51 to 94.99	23.5
95.00 to 97.50	24.0
97.51 to 99.99	24.5
100	25.0

Section 25-2-1067 Design Regulations

(H) If a site on which a parking area or driveway is constructed is less than 125 feet wide, the width and setback for the parking area or driveway must comply with the following schedule:

<u>Total Site Width</u>	<u>Avg. Parking Width</u>	<u>Setback for Parking</u>	<u>Setback</u>
<u>for Driveway</u>			
0 to 52.99'	45'	5'	0'
53 to 55.99'	46'	6'	1'
56 to 58.99'	47'	7'	2'
59 to 61.99'	48'	8'	3'
62 to 64.99'	49'	9'	4'
65 to 67.99'	50'	10'	5'
Continues to 124.99'			

9. C15-2023-0031 Kefetew S Selassie
607 Oakland Avenue

On-Line Link: [Item09 ADV PACKET; PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from setback requirements to:

- a) decrease the interior side yard setback from 5 feet (required) to 3 feet 3 inches (requested) **and**
- b) decrease the minimum rear yard setback from 10 feet (required) to 6 feet 9 inches (requested) in order to maintain a detached garage in a “SF-3-HD-NP”, Single-Family – Historic District-Neighborhood Plan zoning district (Old West Austin Neighborhood Plan)

DISCUSSION ITEMS

10. Discussion of the June 12, 2023 BOA activity report
On-Line Link: [Item10 MONTHLY REPORT](#)
11. Discussion regarding future training for board members

DISCUSSION AND ACTION ITEMS

12. Discussion and possible action regarding working group for BOA Rules of Procedure and Bylaws
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)
[ITEM13 On-Line Link:](#)
14. Discussion and possible action, including but not limited to bylaws changes, rules of procedure changes, and resolutions regarding board terms, vacancies, and use of alternates

FUTURE AGENDA ITEMS

15. 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.ramirez@austintexas.gov