



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
MONDAY, August 14, 2023**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, August 14, 2023, at 301 West 2nd Street in Austin, Texas.

Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:41 p.m.

Board Members/Commissioners in Attendance in-Person:

Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Marcel-Gutierrez-Garza, Yung-ji Kim, Janel Venzant, Michael Von Ohlen

Board Members/Commissioners in Attendance Remotely:

Thomas Ates, Brian Poteet, Kelly Blume (Alternate)

Board Member/Commissioners absent:

Richard Smith, Maggie Shahrestani

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 July 10, 2023.

On-Line Link: [DRAFT MINUTES JULY 10, 2023](#); [DRAFT MINUTES ADDENDUM FOR JULY 10, 2023](#)

Vice-Chair Melissa Hawthorne motions to approve the minutes for July 10, 2023, Board member Michael Von Ohlen seconds on 9-0; APPROVED MINUTES FOR JULY 10, 2023.

PUBLIC HEARINGS

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

Postponement request for Items 6 and 8 to September 11, 2023 by applicant

Vice-Chair Melissa Hawthorne motions to approve the postponement requests to September 11, 2023, Board member Michael Von Ohlen seconds on 9-0 votes; APPROVED POSTPONEMENT REQUESTS TO September 11, 2023.

New Sign Variance case

3. C16-2023-0003 Shana Gardner for Marco Veneziano
2270 Guadalupe Street

On-Line Link: [Item03 ADV PACKET](#); [PRESENTATION](#)

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) (H) to allow for illumination of one (1) Neon Wall Sign and one (1) internally lit blade sign, in order to provide signage for Foxtrot Market in a “CS-CO-NP”, General Commercial Services – Conditional Overlay - Neighborhood Plan zoning district. (West University Neighborhood Plan) (UNO sign district)

Note: The Land Development Code sign regulations 25-10-133 University Neighborhood Overlay Zoning Districts Signs (H) states a sign may not be illuminated or contain electronic images or moving parts.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve; Madam Chair Jessica Cohen seconds on 9-0 votes; GRANTED.

New Variance cases:

4. C15-2023-0029 Stephen Hawkins for Austin Rowing Club
74 Trinity Street

On-Line Link: [Item04 ADV PACKET PART1](#); [PART2](#); [PART3](#); [PART4](#); [PART5](#); [PRESENTATION](#)

The applicant has requested variance(s) from the Land Development Code, Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) (A) (1) to increase the dock length from 30 feet (required) to 120 feet (requested), in order to remodel and the expansion of a floating boat dock and storage racks in a “DMU-P” Downtown Mixed Use-Public zoning district.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve; Board member Melissa Hawthorne seconds on 9-0 votes; GRANTED.

5. C15-2023-0033 George Ducas for Chuong Thai-Lazaro & Christian David Lazaro
828 Falkland Trace

On-Line Link: [Item05 ADV PACKET PART1](#); [PART2](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-899 (*Fences as Accessory Uses*) (E) (1) & (2) to increase the height permitted from 6 feet (required) to 8 feet 4 inches (requested), in order to maintain a masonry-wood fence west and north of the property in an “SF-4A”, Single-Family Residence zoning district.

Note: The Land Development Code 25-2-899 Fences as Accessory Uses (E) a solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files written consent to the construction of the fence with the building official; and

(1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or

(2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve 8 feet fence with condition that the fence is solid and the fence is moved to the outside of the paneling wall to be flush with the outside of the wall one contiguous level plane and not a foothold; Board member Melissa Hawthorne seconds on 8-1 votes (Chair Jessica Cohen nay); GRANTED 8 FEET FENCE WITH CONDITION THAT THE FENCE IS SOLID AND THAT THE FENCE IS MOVED TO THE OUTSIDE OF THE PANELING WALL TO BE FLUSH WITH THE OUTSIDE OF THE WALL TO BE ONE CONTIGUOUS LEVEL PLANE AND NOT A FOOTHOLD.

6. C15-2023-0034 M Renee Suaste
5111 Lansing Drive

On-Line Link: [Item06 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 front yard setback from 25 feet (required) to 20 feet (requested), in order to erect a Carport in a “SF-3-NP”, Single-Family - Neighborhood Plan zoning district (South Manchaca Neighborhood Plan)

POSTPONED TO September 11, 2023 BY APPLICANT (RE-NOTIFICATION NEEDED)

7. C15-2023-0035 Tisha Ritta for Melissa Maynard
8003 Parkdale Drive

On-Line Link: [Item07 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 front yard setback from 25 feet (required) to 17 feet (requested), in order to maintain a Carport 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 with conditions that the carport remain open on all 3 sides and add rain gutters on the property line side of the carport; Board member Melissa Hawthorne seconds on 9-0 votes; GRANTED WITH CONDITIONS THAT THE CARPORT REMAIN OPEN ON ALL 3 SIDES AND ADD RAIN GUTTERS ON THE PROPERTY LINE SIDE OF THE CARPORT.

Previous Postponement Variance cases

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

On-Line Link: [Item08 ADV PACKET PART1](#); [PART2](#); [PART3](#); NO 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).

POSTPONED TO September 11, 2023 BY APPLICANT

DISCUSSION ITEMS

9. Discussion of the July 10, 2023 BOA activity report
On-Line Link: [Item09 July 10-MONTHLY REPORT](#)
DISCUSSED; CONTINUED TO September 11, 2023
10. Discussion regarding future training for board members
DISCUSSED; CONTINUED TO September 11, 2023
11. Discussion regarding the Self Service Password & 90 Day Expiration
DISCUSSED, (removed from next agenda)

DISCUSSION AND ACTION ITEMS

12. Discussion and possible action regarding bylaws changes, rules of procedure changes, and resolutions regarding board terms, vacancies, and use of alternates
CONTINUED TO September 11, 2023
13. Discussion and possible action regarding the Board's Annual Internal Review Report (July 1, 2022-June 30, 2023) to Council
On-Line Link: [Item13 BOA Annual Internal Report](#)
DISCUSSED; (send report to Clerks office)

FUTURE AGENDA ITEMS

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

ADJOURNMENT 7:31 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](tel:512-974-2202)/elaine.ramirez@austintexas.gov

The minutes were approved at the September 11, 2023 meeting on Vice Chair Melissa Hawthorne motion, Board member Marcel Gutierrez-Garza second on an 9-0-1 (Board member Jeffrey Bowen abstains).