



**BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
MONDAY, September 11, 2023**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, September 11, 2023, at 301 West 2<sup>nd</sup> 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, Jeffrey Bowen, Marcel Gutierrez-Garza, Brian Poteet, Yung-ji Kim, Janel Venzant, Michael Von Ohlen

**Board Members/Commissioners in Attendance Remotely:**

Thomas Ates, Kelly Blume (Alternate)

**Board Member/Commissioners absent:**

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 August 14, 2023.

**On-Line Link: [DRAFT MINUTES AUGUST 14, 2023](#)**

**Vice-Chair Melissa Hawthorne motions to approve the minutes for August 14, 2023, Board member Marcel Gutierrez-Garza seconds on 9-0-1 (Board member Jeffrey Bowen abstains); APPROVED MINUTES FOR August 14, 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 8 to December 11, 2023 by applicant**

**Vice-Chair Melissa Hawthorne motions to approve the postponement request for Item 8 to December 11, 2023, Board member Marcel Gutierrez-Garza seconds on 10-0 votes; APPROVED POSTPONEMENT REQUESTS TO December 11, 2023.**

**New Variance cases:**

3. C15-2023-0036 Kathy and Ross Wilson  
806 W. James Street

**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*) to decrease the minimum lot width from 50 feet (required) to 46 feet (requested), in order to erect Single-Family residence in a SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve; Board member Melissa Hawthorne seconds on 10-0 votes; GRANTED.**

4. C15-2023-0037 Jim Wittliff for Pinaki Ghosh  
3013 Royster Avenue

**On-Line Link: [Item04 ADV PACKET](#); NO PRESENTATION**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-943 (*Substandard Lot*) (B) (2) (a) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 5,172 square feet (requested), in order to erect a Single-Family residence in a “SF-2”, 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.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with condition limited to 0.4 FAR; Board member Melissa Hawthorne seconds on 10-0 votes; GRANTED WITH CONDITION LIMITED TO 0.4 FAR.**

5. C15-2023-0038 Dennis Gross for Kara Salmanson  
4207 Cat Mountain Drive

**On-Line Link: [Item05 ADV PACKET](#); NO PRESENTATION**

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

a) decrease the minimum interior side yards setback from 5 feet (required) to 0 feet (requested)

**and**

b) decrease the minimum rear yard setback from 10 feet (required) to 0 feet (requested) in order to maintain an uncovered wood deck that was built approx. 28 years ago in an “SF-3”, Single-Family Residence 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 10-0 votes; GRANTED-SPECIAL EXCEPTION.**

## Previous Postponement Variance cases

6. C15-2023-0026 Perry Hunt for Bilal Khan  
15 Margranita Crescent

**On-Line Link: [Item06 ADV PACKET](#); [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)

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to deny; Board member Jeffrey Bowen seconds on 10-0 votes; DENIED.**

7. C15-2023-0027 JP Sullivan for Mayo C. Cuellar  
1305 S 6<sup>th</sup> Street

**On-Line Link: [Item07 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).

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to approve with a friendly amendment that any proposed building at 1305 S 6<sup>th</sup> Street will be in accordance with the City of Austin’s setback requirements and zoning ordinances; Board member Michael Von Ohlen seconds on 10-0 votes; GRANTED WITH A FRIENDLY AMENDMENT THAT ANY PROPOSED BUILDING AT 1305 S 6<sup>TH</sup> STREET WILL BE IN ACCORDANCE WITH THE CITY OF AUSTIN’S SETBACK REQUIREMENTS AND ZONING ORDINANCE.**

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

**On-Line Link: [Item08 ADV PACKET](#); 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 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 DECEMBER 11, 2023 BY APPLICANT**

## DISCUSSION ITEMS

9. Discussion of the August 14, 2023 BOA activity report  
**On-Line Link: [Item09 August 14-MONTHLY REPORT](#)**  
**DISCUSSED; CONTINUED TO October 9, 2023**
10. Discussion regarding future training for board members  
**DISCUSSED; CONTINUED TO October 9, 2023**
11. LDC Amendment - UNO Sign Correction: Discussion regarding the proposed code amendment to City Code Section 25-10-133(H) to remove the prohibition on illuminated signs.  
**DISCUSSED**

### **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  
**DISCUSSED; CONTINUED TO October 9, 2023**

### **FUTURE AGENDA ITEMS**

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

### **ADJOURNMENT 7:12 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](mailto:elaine.ramirez@austintexas.gov) or the Board Secretary Diana Ramirez, Development Services Department at 512-974-2241 or email [diana.ramirez@austintexas.gov](mailto: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](mailto:elaine.ramirez@austintexas.gov)

*The minutes were approved at the October 9, 2023 meeting on Vice Chair Melissa Hawthorne motion, Board member Brian Poteet second on an 8-1-0 (Board member Maggie Shahrestani abstains).*