



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

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

**Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:37 p.m.**

**Board Members/Commissioners in Attendance in-Person:**

Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Brian Poteet, Marcel-Gutierrez-Garza, Maggie Shahrestani, Janel Venzant, Michael Von Ohlen, Suzanne Valentine (Alternate)

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

Thomas Ates, Richard Smith

**Board Member/Commissioners absent:**

Nicholl Wade (no show)

**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 June 12, 2023.

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

**Chair Jessica Cohen motions to approve the minutes for June 12, 2023, Board member Michael Von Ohlen seconds on 8-0-2 votes (Board member Melissa Hawthorne and Suzanne Valentine abstains); APPROVED MINUTES FOR JUNE 12, 2023.**

**PUBLIC HEARINGS**

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

**NONE**

**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)

**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. C15-2023-0025 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.*

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

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)

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to deny; Board member Michael Von Ohlen seconds; a substitute motion by Board member Janel Venzant motions to postpone to September 11, 2023, Madam Chair Jessica Cohen seconds on 8-2 votes (Board members Melissa Hawthorne and Michael Von Ohlen nay); POSTPONED TO SEPTEMBER 11, 2023.**

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

**The public hearing was closed by Madam Chair Jessica Cohen, Chair Jessica Cohen motions to postpone to August 14, 2023; Board member Michael Von Ohlen seconds on -10-0 votes; POSTPONED TO AUGUST 14, 2023.**

#### **New Sign Variance case**

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

**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.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve; Chair Jessica Cohen seconds on -9-0-1 votes (Board member Melissa Hawthorne abstains); GRANTED.**

#### **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'
<i>Continues to 124.99'</i>			

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve; Board member Melissa Hawthorne seconds on -9-0-1 votes (Board member Richard Smith abstains); GRANTED.**

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)

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with a friendly amendment by Chair Jessica Cohen , no STR (Short-term Rental); Board member Melissa Hawthorne seconds on 10-0 votes; GRANTED WITH A FRIENDLY AMENDMENT NO STR (SHORT-TERM RENTAL).**

**DISCUSSION ITEMS**

10. Discussion of the June 12, 2023 BOA activity report  
**On-Line Link: [Item10 MONTHLY REPORT](#)**  
**DISCUSSED; CONTINUED TO August 14, 2023**
11. Discussion regarding future training for board members  
**DISCUSSED; CONTINUED TO August 14, 2023**

**DISCUSSION AND ACTION ITEMS**

12. Discussion and possible action regarding working group for BOA Rules of Procedure and Bylaws  
**DISCUSSED; CONTINUED TO August 14, 2023**
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:**  
**DISCUSSED; CONTINUED TO August 14, 2023**
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  
**DISCUSSED; CONTINUED TO August 14, 2023**

**FUTURE AGENDA ITEMS**

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

**ADJOURNMENT 8:03 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 August 14, 2023 meeting on Vice Chair Melissa Hawthorne motion, Board member Michael Von Ohlen second on an 9-0 vote.***



## **ADDENDUM**

### **BOARD OF ADJUSTMENT REGULAR MEETING MINUTES MONDAY, July 10, 2023**

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**Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:37 p.m.**

#### **Board Members/Commissioners in Attendance in-Person:**

Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Brian Poteet, Marcel-Gutierrez-Garza, Maggie Shahrestani, Janel Venzant, Michael Von Ohlen, Suzanne Valentine (Alternate)

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

Thomas Ates, Richard Smith

#### **Board Member/Commissioners absent:**

Nicholl Wade (no show)

### **DISCUSSION ITEMS**

16 Discussion regarding the Self Service Password & 90 Day Expiration  
**DISCUSSED**

17. Discussion and possible action regarding the Board's Annual Internal Review Report (July 1, 2022-June 30, 2023) to Council  
**DISCUSSED; CONTINUED TO August 14, 2023**

### **ADJOURNMENT 8:30 PM**

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***The minutes were approved at the August 14, 2023 meeting on Vice Chair Melissa Hawthorne motion, Board member Michael Von Ohlen second on an 9-0 vote.***