



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
MONDAY, January 8, 2024**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, January 8, 2024, at 301 West 2nd Street in Austin, Texas.

Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:44 p.m.

Board Members/Commissioners in Attendance in-Person:

Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Jeffery Bowen, Brian Poteet, Maggie Shahrestani, Michael Von Ohlen, Janel Venzant

Board Members/Commissioners in Attendance Remotely:

Thomas Ates, Marcel Gutierrez-Garza, Yung-ji Kim

Board Member/Commissioners absent:

None

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 December 11, 2023.
On-Line Link: [DRAFT MINUTES December 11, 2023](#)
Vice-Chair Melissa Hawthorne motions to approve the minutes for December 11, 2023, Board member Michael Von Ohlen seconds on 10-0; APPROVED MINUTES FOR December 11, 2023.

PUBLIC HEARINGS

Discussion and action on the following cases.

New Variance cases:

3. C15-2023-0051 Linda Sullivan for Suzanne McFayden-Smith – Lotus Management Trust
4400 Waterford Place

On-Line Link: [ITEM03 ADV PACKET](#); [PRESENTATION](#); [AE APPROVAL](#)

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-551 (Lake Austin District Regulations): **25-2-551(C)(2)(a)** increase the maximum impervious cover on a slope with a gradient of 25 percent or less from 20 percent (maximum allowed) to 47.4 percent (requested), and **25-2-551(C)(2)(b)** increase the maximum impervious cover on a slope with a gradient of 25 percent and not more than 35 percent from 10 percent (maximum allowed) to 17.8 percent (requested), in order to remodel an uncovered wood deck in a “LA” and “DR”, Lake Austin and Development Reserve zoning district.

Note: 25-2-551 Lake Austin (LA) District Regulations

(C) This subsection specifies lot width and impervious cover restrictions in a Lake Austin (LA) district.

(2) For a lot included in a subdivision plat recorded after April 22, 1982, impervious cover may not exceed:

(a) 20 percent, on a slope with a gradient of 25 percent or less;

(b) 10 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or

(c) if impervious cover is transferred under Subsection (D), 30 percent.

For the above address the Subdivision Plat was recorded on January 27, 1986

The public hearing was closed by Madam Chair Jessica Cohen, Madam Chair Jessica Cohen motions to approve to increase the maximum impervious cover on a slope with a gradient of 25 percent or less to 38.6 percent and approve no increase but to allow the removal and replacement of the current impervious cover that is on a slope with the gradient of 25 percent and not more than 35 percent and tie to the presentation documentation Item03/8; Board member Micheal Von Ohlen seconds on 10-0 votes; GRANTED TO INCREASE THE MAXIMUM IMPERVIOUS COVER ON A SLOPE WITH A GRADIENT OF 25 PERCENT OR LESS TO 38.6 PERCENT AND APPROVE NO INCREASE BUT TO ALLOW THE REMOVAL AND REPLACEMENT OF THE CURRENT IMPERVIOUS COVER THAT IS ON A SLOPE WITH THE GRADIENT OF 25 PERCENT AND NOT MORE THAN 35 PERCENT AND TIE TO THE PRESENTATION DOCUMENTATION ITEM03/8.

4. C15-2024-0001 Rodney Bennett for Asim Dhital
8315 Burrell Drive

On-Line Link: [ITEM04 ADV PACKET](#); [PRESENTATION](#); [AE APPROVAL](#)

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 14 feet (requested), in order to erect a Carport to an existing 1 story Single-Family residence in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Wooten Neighborhood Plan).

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with conditions that carport remain open on all 3 sides and provide gutters on the interior side yard setback of the carport; Board member Melissa Hawthorne seconds on 9-0-1 votes (Board member Jeffery Bowen

abstained); GRANTED WITH CONDITIONS THAT CARPORT REMAIN OPEN ON ALL 3 SIDES AND PROVIDE GUTTERS ON THE INTERIOR SIDE YARD SETBACK OF THE CARPORT.

5. C15-2024-0003 Richard Suttle for DC-2422, LLC
2408, 2410, 2414, 2418, 2422, 2428 East 7th Street

On-Line Link: [ITEM05 ADV PACKET](#); [PRESENTATION](#); [AE APPROVAL](#)

The applicant is requesting a variance(s) from the Land Development Code: Article 10, Compatibility Standards, Division 2 –Development Standards, Section **25-2-1063 (Height Limitations and Setbacks for Large Sites): 25-2-1063(C)(1)(a)** from height limitations to increase the height limit from two (2) stories and 30 feet (maximum allowed) to three (3) stories and 35 feet (requested); **25-2-1063(C)(2)(a)** from height limitations to increase the height limit from three (3) stories and 40 feet (maximum allowed) to four (4) stories and 45 feet (requested); and **25-2-1063(C)(3)** from height limitations to increase the height limit from 40 feet plus one foot for each 10 feet of distance (maximum allowed) to 58 feet (requested), in order to erect an Office building in a “CS-CO-NP”, General Commercial Services-Conditional Overlay-Neighborhood Plan zoning district (Govalle Neighborhood Plan). Note: The Land Development Code Section 25-2-1063 Height Limitations and Setbacks for Large Site.

Note: The Land Development Code Section 25-2-1063 Height Limitations and Setbacks for Large Sites (C) The height limitations for a structure are

(1) two stories and 30 feet, if the structure is 50 feet or less from property:

(a) in an SF-5 or more restrictive zoning district.

(2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property.

(a) in an SF-5 or more restrictive zoning district.

(3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

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

Previous Postponed cases:

6. C15-2023-0048 Stephen Hawkins for Willow Beach, LLC
1446 Rockcliff Road

On-Line Link: [ITEM06 ADV PACKET PART1](#), [PART2](#), [PART3](#), [PART4](#); [PRESENTATION](#)

The applicant is requesting variance(s) from the Land Development Code, Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) (A) (5) (a) to increase the footprint of a boat dock from 1,200 square feet (maximum allowed) to 2,235 square feet (requested), in order to erect a second boat dock in a “LA”, Lake Austin zoning district.

Note: Land Development Code, 25-2-1176 Site Development Regulations for Docks, Marinas, and other Lakefront Uses

(A) A dock or similar structure must comply with the requirements of this subsection.

(5) The footprint of a dock, including the portion of a cut-in slip, attached access structures, or roof overhang, may not exceed:

(a) 1,200 square feet for a dock that is accessory to a principal residential use

The public hearing was closed by Madam Chair Jessica Cohen, Board member Maggie Shahrestani motions to Deny; Board member Micheal Von Ohlen seconds on a NO vote; Board member Micheal Von Ohlen pulled his 2nd to Deny and a substitute motion is made by Board member Melissa Hawthorne to postpone to August 12, 2024, Board member Michael Von Ohlen seconds on 10-0 votes; POSTPONED TO AUGUST 12, 2024.

DISCUSSION ITEMS

7. Discussion of the December 11, 2023 BOA activity report
**On-Line Link: [ITEM07 December 11, 2023-MONTHLY REPORT](#)
DISCUSSED; CONTINUED TO February 12, 2024**
8. Discussion regarding the logistics for the upcoming BOA annual training session.
DISCUSSED, CONTINUED TO February 12, 2024

DISCUSSION AND ACTION ITEMS

9. Discussion and action regarding agenda posting process.
DISCUSSED WITH CITY ATTORNEY-NEIL FALGOUST, CITY CLERKS OFFICE -MYRNA RIOS IN REGARD TO REFORMATING AND POSTING OF THE AGENDA, FOLLOW UP WITH IN PERSON MEETING.
10. Discussion and action regarding bylaws amendments and rules of procedure changes, including board terms, vacancies, and use of alternates.
DISCUSSED; CONTINUED TO February 12, 2024

FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

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

ADJOURNMENT 9:43 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/elaine.ramirez@austintexas.gov

The minutes were approved at the March 11, 2024 Board of Adjustment meeting on Vice-Chair Melissa Hawthorne's motion, Board member Marcel Gutierrez-Garza's second on a 6-0 vote

with one vacancy. (Board members Thomas Ates, Yung-ju Kim, Janel Venzant, Maggie Shahrestani off the dais (virtual)).