



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

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, December 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 5:39 p.m.**

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

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

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

Thomas Ates, Marcel Gutierrez-Garza

**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 November 13, 2023.  
**On-Line Link: [DRAFT MINUTES November 13, 2023](#)**  
**Vice-Chair Melissa Hawthorne motions to approve the minutes for November 13, 2023, Board member Brian Poteet seconds on 9-0-1 (Board member Janel Venzant abstains); APPROVED MINUTES FOR November 13, 2023.**

**PUBLIC HEARINGS**

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

**None**

**New Variance cases:**

3. C15-2023-0047 Donna Carter for Lynn Sherman  
3505 Greenway

**On-Line Link: [Item03 ADV PACKET PART1, PART2; PRESENTATION](#)**

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) from: **a)** setback requirements to decrease the minimum front yard setback from 25 feet (required) to 23 feet (requested) and **b)** impervious coverage requirements to increase I.C. from 45% (maximum allowed) to 54.5% (requested) in order to remodel, maintain and add an addition to an existing 2 story Single-Family residence in a “SF-2-CO-NP”, Single-Family-Combined Overlay-Neighborhood Plan zoning district (Hancock Neighborhood Plan).

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve with conditions to provide rainwater capture and as per page Item03/9; Board member Maggie Shahrestani seconds on 10-0 votes; GRANTED WITH CONDITIONS TO PROVIDE RAINWATER CAPTURE AND AS PER PAGE ITEM03/9.**

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

**On-Line Link: [Item04 ADV PACKET PART1, PART2, PART3; 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 postpone to January 8, 2024; Board member Jeffery Bowen seconds on 10-0 votes; POSTPONED TO JANUARY 8, 2024.**

5. C15-2023-0049 Paul DeGroot for Stacey Martinez  
4908 Crestway Drive

**On-Line Link: [Item05 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 rear yard setback from 10 feet (required) to 5.5 feet (requested) in order to erect an attached 1<sup>st</sup> FL Screened-in porch in rear of existing 2 story Single-Family residence in a “SF-3”, Single-Family zoning district.

**The public hearing was closed by Madam Chair Jessica Cohen, Vice-chair Melissa Hawthorne motions to table this case until after the next item on the agenda to communicate with opposing neighbors; Board member Michael Von Ohlen motions to approve; Board member Jeffery Bowen seconds on 10-0 votes; GRANTED.**

**Previous Postponed cases:**

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, **a)** Section 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 25 feet (required) to 5 feet (requested) and **b)** Section 25-2-1604 (*Garage Placement*) (C) (1) parking structure may not be closer to the front lot line than building façade (required) to Carport in front of building façade (requested), in order to erect a Carport in a “SF-3-NP”, Single-Family - Neighborhood Plan zoning district (South Manchaca Neighborhood Plan)

*Note: Section 25-2-1604 Garage Placement:*

(A) *This section applies to a single-family residential use, a duplex residential use, or a two-family residential use.*

(B) *In this section:*

1. *BUILDING FAÇADE means the front-facing exterior wall or walls of the first floor of the principal structure on a lot, and the term excludes the building façade of the portion of the principal structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building façade.*

1) *PARKING STRUCTURE means a garage or carport, either attached or detached from the principal structure.*

(C) *A parking structure with an entrance that faces the front yard abutting public right-of-way:*

1) *May not be closer to the front lot line than the front-most exterior wall of the first floor of the building façade; and*

2) *If the parking structure is less than 20 feet behind the building façade, the width of the parking structure may not exceed 50 percent of the width of the building façade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve the reduced front yard setback to 9 feet (20 ft x16 ft) with a 2 feet overhang and that all 3 sides of the carport will remain open; Vice-Chair Melissa Hawthorne seconds on 10-0 votes; GRANTED THE REDUCED FRONT YARD SETBACK TO 9 FEET (20 FT X16 FT) WITH A 2 FEET OVERHANG AND THAT ALL 3 SIDES OF THE CARPORT WILL REMAIN OPEN.**

7. C15-2023-0044 Bruce David Johnson, Jr  
1904 Eva Street

**On-Line Link: [Item07 ADV PACKET PART1](#), [PART2](#); NO PRESENTATION**

The applicant is requesting Special Exception variance(s) from the Land Development Code Section 25-2-492 (Site Development Regulations) from two setback requirements: to decrease the front yard setback from 25 feet (required) to 0 feet (requested) in order to maintain a covered concrete patio and to decrease the minimum interior side yards setbacks from 5 feet (required) to 0 feet (requested – north and south sides) in order to maintain a storage shed, art studio, & garage (south side) and storage sheds (north side) that have existed for over 31 years in an “SF-3-NP”, Single-Family Residence-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 condition that the front carport be removed; Board member Jessica Cohen seconds on 9-1 (Board member Maggie**

**Shahrestai nay) votes; GRANTED WITH CONDITION THAT THE FRONT CARPORT BE REMOVED.**

### **DISCUSSION ITEMS**

8. Discussion of the November 13, 2023 BOA activity report  
**On-Line Link: [Item08 November 13, 2023-MONTHLY REPORT](#)  
DISCUSSED; CONTINUED TO January 8, 2024**
9. Discussion regarding agenda issues  
**DISCUSSED; CONTINUED TO January 8, 2024 (This item will be listed under the discussion and possible action for next month's agenda.)**
10. Discussion regarding Special Exception cases and Life Safety Reports  
**DISCUSSED**

### **DISCUSSION AND ACTION ITEMS**

11. Discussion and possible action regarding bylaws changes, rules of procedure changes, and resolutions regarding board terms, vacancies, and use of alternates  
**DISCUSSED; CONTINUED TO January 8, 2024**

### **FUTURE AGENDA ITEMS**

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

**Add New Discussion Item to January 8, 2024 BOA Agenda: Discussion in regarding BOA training session**

### **ADJOURNMENT 9:01 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/elaine.ramirez@austintexas.gov](mailto:512-974-2202/elaine.ramirez@austintexas.gov)

***The minutes were approved at the January 8, 2024 Board of Adjustment meeting on Vice-Chair Melissa Hawthorne's motion, Board member Michael Von Ohlen's second on a 10-0 vote with one vacancy.***