



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
MONDAY, March 11, 2024**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, March 11, 2024, at 301 West 2nd 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, Marcel Gutierrez-Garza, Brian Poteet, Michael Von Ohlen

Board Members/Commissioners in Attendance Remotely:

Thomas Ates, Maggie Shahrestani, Yung-ju Kim, Janel Venzant

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 January 8, 2024.

On-Line Link: [DRAFT MINUTES January 8, 2024](#)

The minutes from the meeting of January 8, 2024 were approved on Vice-Chair Melissa Hawthorne's motion, Board Member Marcel Gutierrez-Garza second on a 6-0 vote (Board members Thomas Ates, Yung-ju Kim, Janel Venzant, Maggie Shahrestani off dais-virtual).

PUBLIC HEARINGS

Discussion and action on the following cases.

New Variance cases:

2. C15-2024-0004 Leah Peraldo for Paige Mycoskie
3200 Stratford Hills Lane

On-Line Link: [ITEM02 ADV PACKET](#); [AE REPORT](#); NO PRESENTATION

The applicant is requesting the following variance(s) from the Land Development Code, Section 25-2-899 (*Fences as Accessory Uses*) (F) (1) to increase the height permitted from six (6) feet (required) to twelve (12) feet (requested), in order to erect a fence on west property line in an “PUD”, Planned Unit Development zoning district.

Note: The Land Development Code 25-2-899 Fences as Accessory Uses

(F) 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, Vice-Chair Melissa Hawthorne’s motion to deny; Board member Jeffery Bowen second no vote was taken; a substitute motion by Chair Jessica Cohen to Approve, Chair Jessica Cohen withdraws her substitute motion; original motion to Deny by Vice Chair Melissa Hawthorne, Board member Jeffery Bowen second on 10-0 votes; DENIED.

3. C15-2024-0007 Hector Avila for Joel Beder and Joe Yu
1503 Robert Weaver Avenue

On-Line Link: [ITEM03 ADV PACKET](#); [AE REPORT](#); NO PRESENTATION

The applicant is requesting the following 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 an attached garage in a “SF-3-NP”, Single-Family - Neighborhood Plan zoning district (East Cesar Chavez Neighborhood Plan)

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen’s motion to postpone to April 8, 2024; Board member Jeffery Bowen second on 10-0 votes; POSTPONED TO APRIL 8, 2024.

Due to cancelled BOA meeting for April 8, 2024: Postponement case Item03 C15-2024-0007 – 1503 Robert Weaver Avenue, Board member Melissa Hawthorn’s motion to rescind previous action (postpone to April 8, 2024), Chair Jessica Cohen second on 10-0; Board member Melissa Hawthorne’s motion to postpone case C15-2024-0007 to May 13, 2024; Chair Jessica Cohen second on 10-0 vote; POSTPONED TO MAY 13, 2024.

4. C15-2024-0009 Victoria Haase for Stephanie & David Goodman
3706 Meadowbank Drive

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

The applicant is requesting the following variance(s) from the Land Development Code,

Section 25-2-1604 (*Garage Placement*) (C) (1) parking structure may not be closer to the front lot line than building façade (required) to garage in front of building façade (requested), in order to erect a two-story Garage in a “SF-3-NP”, Single-Family - Neighborhood Plan zoning district (WANG 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.

2) **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’s motion to approve; Chair Jessica Cohen second on 10-0 votes; GRANTED.

5. C15-2024-0010 David Webber for Guadalupe Heights, LLC
5413 Guadalupe Street

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

The applicant is requesting the following 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*):**
 - (1) (a) from height limitations to increase the height limit from two (2) stories and 30 feet (maximum allowed) to three (3) stories and 30 feet (requested) for a building located 50-ft or less from property in an SF-5 or more restrictive zoning district
 - (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 40 feet (requested)

- **Section 25-2-1064 (Front Setback):**
(b) & (2) to decrease the front setback from 25 feet (minimum required) to 15 feet (requested) on a tract that adjoins property in an SF-5 or more restrictive zoning district and fronts on the same street **and**
- **Section 25-2-1067 (Design Regulations):**
(G) (1) & (2) decrease driveway/parking setback from 25 feet (required) to 0 (zero) feet

in order to erect a Multi-Family building in a “MF-4-CO”, Multi-Family Residence Moderate-High Density-Conditional Overlay zoning district.

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.*

Section 25-2-1064 Front Setback

A building must have a front building line setback of at least 25 feet from a right-of-way if the tract on which the building is constructed:

- (1) Adjoins property:*
 - a. In an urban family residence (SF-5) or more restrictive zoning district; or*
 - b. On which a use permitted in a SF-5 or more restrictive district is located; and*
- (2) Fronts on the same street as the adjoining property.*

Section 25-2-1067 Design Regulations

(G) Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is:

- (1) in a SF-5 or more restrictive zoning district; or*
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.*

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen’s motion to approve; Board member Melissa Hawthorne second on 8-0-2 (Board member Brian Poteet and Jeffery Bowen abstaining) votes; GRANTED.

DISCUSSION ITEMS

6. Discussion of the January 8, 2024 Board of Adjustment activity report
On-Line Link: [ITEM06 January 8, 2024-MONTHLY REPORT](#)
DISCUSSED; CONTINUED TO May 13, 2024
7. Discussion regarding the relocation of Board of Adjustment meetings for June 10, 2024, and July 8, 2024, from City Hall – Council Chambers (due to renovations) to PDC-Event Center (Room 1405).
DISCUSSED

DISCUSSION AND ACTION ITEMS

8. Discussion and approval of Board of Adjustment meeting date, Thursday, November 14, 2024, at Council Chambers-Room 1001, 5pm to 10:30pm (due to Monday, November 11, 2024 Holiday).
Board member Melissa Hawthorne's motion to approve meeting date Thursday, November 14, 2024 at Council Chambers-Room 1001 (5pm-10:30pm); Board member Maggie Shahrestani second on 7-0 (Board members Thomas Ates, Yung-ju Kim, Janel Venzant off dias-virtual).
9. Discussion and approval of Board of Adjustment FY25 Budget recommendations.
DISCUSSED

FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

Announcements: April 8, 2024 is Eclipse Day – Due to Board members (Marcel Gutierrez-Garza, Melissa Hawthorne, Michael Von Ohlen and Yung-ju Kim) absent on April 8, 2024, we will not have a quorum; therefore, meeting will be cancelled for April 8, 2024.

Postponement Case Item 03 C15-2024-0007 – 1503 Robert Weaver Avenue, Board member Melissa Hawthorne's motion to rescind previous action (postpone to April 8, 2024), Chair Jessica Cohen second on 10-0 vote; Board member Melissa Hawthorne's motion to postpone Item 03 Case C15-2024-0007 to May 13, 2024; Chair Jessica Cohen second on 10-0 vote; POSTPONED TO MAY 13, 2024.

ADJOURNMENT 6:41 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