



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
Monday, December 9, 2024**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, December 9, 2024, at 301 West 2nd Street in Austin, Texas.

Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:51 PM.

Board Members/Commissioners in Attendance in-Person:

Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Jeffery Bowen, Bianca A. Medina-Leal, Janel Venzant, Michael Von Ohlen, Suzanne Valentine (Alternate)

Board Members/Commissioners in Attendance Remotely:

Thomas Ates (at 6pm), Yung-ju Kim, Brian Poteet,

Board Members/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 Special Called meeting on November 14, 2024.

On-Line Link: [Draft Minutes for November 14, 2024](#)

The minutes from the meeting November 14, 2024, were approved on Board member Michael Von Ohlen's motion, Vice Chair Melissa Hawthorne second, on 9-0 Vote (Board member Thomas Ates -no vote-due to technical issues).

PUBLIC HEARINGS

Discussion and action on the following cases.

**Postponement request to January 13, 2025, by applicants/neighborhood group:
Item 3, Item 4, Item 7 and Item 8**

Sign cases: Items 7 and 8 – Board member Jeffery Bowen motions to approve postponement request to January 13, 2025, Board member Michael Von Ohlen seconds on 9-0 vote (Thomas Ates -no vote-technical issues) for Item 7, and 8-1 vote (Vice Chair Melissa Hawthorne abstains, Board member Thomas Ates-no vote-technical issues) for Item 8.

Item 3 and 4 – Vice Chair Melissa Hawthorne motions to approve postponement request to January 13, 2025, Board member Michael Von Ohlen seconds on 10-0 vote.

Previous Postponed Variance cases:

2. C15-2024-0028 Haim Joseph Mahlof for Wendy Jo Peterson
1406 S 3rd Street

On-Line Link: [ITEM02 ADV PACKET](#); [PRESENTATION](#)

The applicant is requesting the following variance(s) from the Land Development Code, **Section 25-2-779** (*Small Lot Single-Family Residential Use*) from setback requirements to decrease the minimum front yard setback from 15 feet (required) to 5 feet (requested) in order to attach a second story deck in a “SF-4A-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 motion to Deny, Board member Jeffery Bowen seconds; a substitute motion was made by Madam Chair Jessica Cohen to Approve; Board member Thomas Ates seconds on 7-3 votes (Chair Jessica Cohen, Vice-Chair Melissa Hawthorne, Board members Bianca A Medina-Leal, Yung-ju Kim, Jeffery Bowen, Janel Venzant, Michael Von Ohlen nay); DENIED.

3. C15-2024-0031 Victoria Haase for Austin Area School for Dyslexics, Inc.
2615 ½ Hillview Road

**On-Line Link: [ITEM03 ADV PACKET PART1](#), [PART2](#), [PART3](#), [PART4](#);
NO PRESENTATION**

The applicant is requesting a variance(s) from the Land Development Code, Section:

- **25-2-492 (Site Development Regulations):**
 - Height Requirements to increase the height from 35 feet (maximum allowed) to 50 feet (requested)
 - Setback Requirements to decrease the minimum front yard setback from 25 feet (required) to 15 feet (requested)

- Setback Requirements to decrease the minimum rear yard setback from 10 feet (required) to 5 feet (requested)
 - Building Coverage to increase from 40 percent (maximum allowed) to 60% (requested)
 - Impervious Coverage to increase from 45 percent (maximum allowed) to 60 percent (requested)
- **25-2-832 (Private Schools) (1)** a site must be located on a street that has a paved width of at least 40 feet (required) to 30 feet (requested) from the site to where it connects with another street that has a paved width of at least 40 feet (required) to 30 feet (requested)

in order to erect school buildings and structured sub-grade parking facilities in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (West Austin Neighborhood Group).

POSTPONED TO JANUARY 13, 2025

4. C15-2024-0040 Leah M. Bojo for Chris Affinito
600 Cumberland Road and 2610 & 2612 South 1st Street

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

The applicant is requesting a variance(s) from the Land Development Code: Article 3, Additional Requirements for Certain Districts, Division 5 –Combining and Overlay Districts,

Section 25-2-654 (Density Bonus ETOD (DBETOD) Combining District Regulations:

- (H) Compatibility Requirements (3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 60 feet (maximum allowed) to 2 feet -4 27/32 inches – 5 feet 6 inches (requesting)
- (H) Compatibility Requirements (4) (a) from compatibility buffer to decrease the from 25 feet (minimum width allowed) to 2 feet -4 27/32 inches – 5 feet -6 inches (requesting),

in order to erect a Condominium Residential Building in a “GR-V-ETOD, DBETOD and GR-ETOD-DBETOD”, Community Commercial-Vertical Mixed-Use Building-Equitable Transit-Oriented Development and Community Commercial-Equitable Transit-Oriented Development-Density Bonus ETOD.

Note: The Land Development Code Section 25-2-654 (Density Bonus ETOD (DBETOD) Combining District Regulations

(A) This section applies to a property with density bonus ETOD (DBETOD) combining district zoning.

(B) This section governs over a conflicting provision of this title or other ordinance.

(H) Compatibility Requirements.

(1) A building is not required to comply with Article 10 (Compatibility Standards) in Subchapter C.

(2) In this subsection,

(a) TRIGGERING PROPERTY means a site:

(i) with at least one dwelling unit but less than four dwelling units; and

- (ii) is zoned urban family residence (SF-5) district or more restrictive; and
- (b) STRUCTURE includes a portion of a structure.
- (3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 60 feet.
- (4) Compatibility Buffer. A compatibility buffer is required along a site's property line that is shared with a triggering property.
 - (a) The minimum width of a compatibility buffer is 25 feet.
 - (b) A compatibility buffer must comply with [Section 25-8-700](#) (Minimum Requirements for Compatibility Buffers).

POSTPONED TO JANUARY 13, 2025

5. C15-2024-0041 Thomas M. Schiefer and Meghann Elena Rosales
1607 West 10th Street

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

The applicant is requesting the following variance(s) from the Land Development Code, **Section 25-2-492 (Site Development Regulations)** from impervious coverage requirements to increase from 45 percent (maximum allowed) to 65 percent (requested) in order to attach a Single-Family Residence in a “SF-3-NP”, Single-Family - Neighborhood Plan zoning district (Old West Austin Neighborhood Plan).

The public hearing was closed by Madam Chair Jessica Cohen, Madam Chair Jessica Cohen’s motion to Postpone to January 13, 2025; Vice Chair Melissa Hawthorne seconds on 10-0 votes; POSTPONED TO JANUARY 13, 2025.

6. C15-2024-0042 Scott Jacobs
2003 Arpdale Street

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

The applicant is requesting a variance(s) from the Land Development Code, Section(s):

- **25-2-492 (Site Development Regulations)** from setback requirements to decrease the interior side yard setback (east side) from 5 feet (required) to 4.4 feet (requested)
- **25-2-773 (Duplex, Two-Unit, and Three-Unit Residential Uses):**
 - (1) reduce minimum lot area from 5,750 sq. ft. (minimum allowed) to 5,500 sq. ft (requested)
 - (3) (a) reduce rear setback from 10 feet (required) to 5.5 feet (requested)

in order to allow for Single-Family dwelling and accessory dwelling on the lot in a “SF-3”, Single-Family zoning district.

Note: To allow two dwelling units. Existing garage, built in 1949, was converted into dwelling in the early 1990's without a permit. The goal for this variance would be to properly permit it as an accessory dwelling.

LDC, 25-2-773 - DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES.

(A) To the extent of conflict, this section supersedes the base zoning district regulations.

(B) For a duplex, two-unit, and three-unit residential use:

- (1) minimum lot area is 5,750 square feet;
- (2) minimum front yard setback is 15 feet;
- (3) minimum rear yard setback is:
 - (a) the base zoning district minimum rear yard setback; or
 - (b) five feet when the lot is adjacent to:
 - (i) an alley; or
 - (ii) another lot with a use that is permitted in a multifamily base zoning district or less restrictive base zoning district;
- (4) minimum street-side yard setback for a lot located on a corner and:
 - (a) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or
 - (b) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line;
- (5) minimum number of street-facing entrances is one;
- (6) maximum building coverage is 40 percent; and
- (7) maximum impervious cover is 45 percent.

(E) This subsection applies to the area established in Subsection 1.2.1 of Chapter 252, Subchapter F (Residential Design and Compatibility Standards).

(1) In this subsection,

(a) **EXISTING DWELLING UNIT** means a dwelling unit that is:

- (i) legally permitted and occupied before December 7, 2023; or
- (ii) described in an application for a residential permit that was submitted on or before December 7, 2023.

(b) **GROSS FLOOR AREA** means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls, except as provided in this subsection.

(2) Gross Floor Area Exclusions.

(a) For a property that includes an existing dwelling unit that was constructed on or before December 31, 1960, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.

(b) For a property that includes an existing dwelling unit that was constructed on or after January 1, 1961, and is at least 20 years old, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.

(3) Floor-to-area ratio for a duplex or two-unit residential use.

(a) The maximum floor-to-area ratio for the site is the greater of 0.55 or 3,200 square feet.

(b) Except for an existing dwelling unit, a dwelling unit may not exceed the greater of 0.4 or 2,300 square feet.

(4) Floor-to-area ratio for three-unit residential use.

(a) The maximum floor-to-area ratio for the site is the greater of 0.65 or 4,350 square feet.

(b) Except for an existing dwelling unit, a dwelling unit may not exceed the greater of 0.4 or 2,300 square feet.

(c) Except for two existing dwelling units, two dwelling units may not exceed the greater of 0.55 or 3,200 square feet.

Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; [Ord. No. 20231102-028](#), Pt. 12, 11-13-23; [Ord. No. 20231207-001](#), Pt. 8, 12-18-23.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen's motion to approve (as previous case C15-2021-0067) with

conditions lot size of 5,500 square feet, limiting building cover to 40%, limiting impervious cover to 45%, F.A.R. 0.4 to 1 ratio, no further encroachment of Accessory Structure and limit to 15 feet in height and a single-story; Board member Suzanne Valentine seconds on 10-0 votes; GRANTED (AS CASE C15-2021-0067) WITH CONDITIONS LOT SIZE OF 5,500 SQUARE FEET, LIMITING BUILDING COVER TO 40%, LIMITING IMPERVIOUS COVER TO 45%, F.A.R. 0.4 TO 1 RATIO, NO FURTHER ENCROACHMENT OF ACCESSORY STRUCTURE AND LIMIT TO 15 FEET IN HEIGHT AND A SINGLE-STORY.

Previous Postponed Sign Variance cases:

7. C16-2024-0002 Michael J. Whellan for Mark Worsham
12221 N. Mopac Expressway Service NB

**On-Line Link: [ITEM07 ADV PACKET](#); NO PRESENTATION;
[AE REPORT](#)**

The applicant is requesting a sign variance(s) from the Land Development Code:

Section 25-10-124 (Scenic Roadway Sign District):

- (B) to allow more freestanding signs from one (1) (maximum allowed) to eight (8) (requesting) (existing)
- (B) (1) (b) to increase the maximum sign area on a lot from 64 square feet (maximum allowed) to 112 square feet (requesting)
- (B) (2) to increase overall sign height from 12 feet (maximum allowed) to 17 feet (requesting),
- (F) to allow for internally sign illumination for three (3) signs (requesting)
- (G) to decrease signs from the right-of-way of at least 12 feet (minimum required) to 3 feet (requesting)

Section 25-2-191 (Sign Setback Requirements)

- (E) to decrease the setback of 12 feet from the street right-of-way (minimum allowed) to 0 feet (requesting)
- (F) (1) to increase height of not more than 30 inches (maximum allowed) to 17 feet (requesting)
- (F) (2) to reduce clearance of at least nine (9) feet (minimum allowed) to zero (0) feet (requesting).

in order to remodel Free-standing sign(s) for Emergency Services/Hospital Services in a “PUD”, Scenic Roadway Sign District.

Note: 25-10-124 - SCENIC ROADWAY SIGN DISTRICT REGULATIONS.

(A) This section applies to a scenic roadway sign district.

(B) One freestanding sign is permitted on a lot.

(1) The sign area may not exceed the lesser of:

- (a) 0.4 square feet for each linear foot of street frontage; or
- (b) 64 square feet.

(2) The sign height may not exceed 12 feet.

(C) Wall signs are permitted.
(D) For signs other than freestanding signs, the total sign area for a lot may not exceed 10 percent of the facade area of the first 15 feet of the building.
(E) In a Hill Country Roadway corridor, a spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
(F) Internal lighting of signs is prohibited, except for the internal lighting of individual letters.
(G) In addition to the sign setback requirements established by [Section 25-10-191](#) (Sign Setback Requirements), a sign or sign support must be installed at least 12 feet from the street right-of-way, or at least 25 feet from street pavement or curb in the right-of-way, whichever setback is the lesser distance from the street. This subsection does not apply to a sign permitted by [Section 25-10-102\(F\)](#) (Signs Associated with Political Elections).
Source: Sections 13-2-867 and 13-2-868; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. No. [20170817-072](#), Pt. 10, 8-28-17.

25-10-191 – SIGN SETBACK REQUIREMENTS.

(A) A sign installed in compliance with this section is not required to comply with building setback requirements established elsewhere in this title.
(B) A sign support 12 inches or less in diameter is not required to be set back from a street right-of-way.
(C) A sign support more than 12 inches and not more than 24 inches in diameter must be set back at least three feet from a street right-of-way.
(D) A sign support more than 24 inches and not more than 36 inches in diameter must be set back at least five feet from the street right-of-way.
(E) A sign support more than 36 inches in diameter must be set back at least 12 feet from the street right-of-way.
(F) Except for a wall sign, a sign within 12 feet of a street right-of-way must have either:
(1) a height of not more than 30 inches; or
(2) a clearance of at least nine feet.
(G) This section does not apply to a sign permitted by [Section 25-10-102\(F\)](#) (Signs Associated with Political Elections).
Source: Section 13-2-886; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. No. [20170817-072](#), Pt. 22, 8-28-17.

POSTPONED TO JANUARY 13, 2025

New Sign cases:

8. C16-2024-0001 Michael Everett for Rowdy Durham
6320 Ed Bluestein Boulevard SB

On-Line Link: [ITEM08 ADV PACKET PART1, PART2; PRESENTATION](#)

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-123 (*Expressway Corridor Sign District Regulations*):

- (B) (2) (a) to exceed sign area from 60 square feet to 210.36 square feet
- (B) (3) (a) to exceed sign height of 35 feet (maximum allowed) to 60 feet (requested) for a Freestanding sign in order to provide signage for a McDonald's in a "GR-MU-CO-NP", Community Commercial – Mixed Use – Conditional Overlay - Neighborhood Plan zoning district. (University Hills Neighborhood Plan), Expressway Corridor Sign District.

Note: The Land Development Code Sign Regulations 25-10-123 Expressway Corridor Sign Regulations
(A) This section applies to an expressway corridor sign district.

- (B) This subsection prescribes regulations for freestanding signs.
- (1) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under [Section 25-10-131](#) (Additional Freestanding Signs Permitted).
 - (2) The sign area may not exceed:
 - (a) on a lot with not more than 86 linear feet of street frontage, 60 square feet; or
 - (b) on a lot with more than 86 linear feet of street frontage, the lesser of:
 - (i) 0.7 square feet for each linear foot of street frontage; or
 - (ii) 300 square feet.
 - (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.
- (C) A roof sign may be permitted instead of a freestanding sign under [Section 25-10-132](#) (Roof Sign Instead Of Freestanding Sign).
- (D) Wall signs are permitted.
- (E) One flag for each curb cut is permitted.
- (F) For signs other than freestanding signs or roof signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. No. [20170817-072](#), Pt. 9, 8-28-17.

POSTPONED TO JANUARY 13, 2025

New Variance cases:

9. C15-2024-0037 Charles Harrell for John Steven Rubin
4521 Merle Drive

On-Line Link: [ITEM09 ADV PACKET](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-773 (*Duplex, Two-Unit, and Three-Unit Residential Uses*) (C) (3) (b) for Garage Placement of a parking structure not closer to the front lot line than the front most exterior wall of the first floor of the building façade (required) to the parking structure located in front of the most exterior wall (requested) in order to maintain an existing Carport in an “SF-3-NP”, Single-Family Residence-Neighborhood Plan zoning district. (South Manchaca Neighborhood Plan)

Note: 25-2-773 - DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES.

- (A) To the extent of conflict, this section supersedes the base zoning district regulations.
- (B) For a duplex, two-unit, and three-unit residential use:
- (1) minimum lot area is 5,750 square feet;
 - (2) minimum front yard setback is 15 feet;
 - (3) minimum rear yard setback is:
 - (a) the base zoning district minimum rear yard setback; or
 - (b) five feet when the lot is adjacent to:
 - (i) an alley; or
 - (ii) another lot with a use that is permitted in a multifamily base zoning district or less restrictive base zoning district;
 - (4) minimum street-side yard setback for a lot located on a corner and:

- (a) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or
- (b) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line;
- (5) minimum number of street-facing entrances is one;
- (6) maximum building coverage is 40 percent; and
- (7) maximum impervious cover is 45 percent.

(C) Design Standards Applicable to Duplex, Two-Unit, and Three-Unit Residential Use.

(1) Porches.

- (a) A porch that is open on three sides may project into the front yard and include a roof.
- (b) A porch that projects into the front yard must be at least 15 feet from the front lot line.
- (c) A porch roof or overhang must be at least 13 feet from the front lot line.

(2) Impervious Cover and Parking Placement.

- (a) Impervious cover in a front yard may not exceed 40 percent.
- (b) The director may waive front yard impervious cover limitations if the director determines backing a motor vehicle onto the adjacent roadway is unsafe and that a circular driveway or turnaround in the front yard is required.
- (c) Not more than four parking spaces may be located in the front street yard, or for a corner lot, not more than four parking spaces may be located in the front street yard and side street yard combined.

(3) Garage Placement.

(a) In this subdivision,

(i) *BUILDING FACADE* means the front-facing exterior wall or walls of the first floor of the residential structure closest to the primary street, and the term excludes the building facade of the portion of that 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 facade.

(ii) *PARKING STRUCTURE* means an attached or detached garage or carport.

(b) A parking structure may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade.

(c) If a parking structure with an entrance that faces a front yard abutting public right-of-way is less than 20 feet behind the building facade, the width of the parking structure may not exceed the width of the building facade as measured parallel to the front lot line.

Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; [Ord. No. 20231102-028](#), Pt. 12, 11-13-23; [Ord. No. 20231207-001](#), Pt. 8, 12-18-23.

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.

10. C15-2024-0045 Justin Belmore
913 Capitol Court

On-Line Link: [ITEM10 ADV PACKET PART1, PART2; PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-773 (*Duplex, Two-Unit, and Three-Unit Residential Uses*) (B) (1) to decrease the minimum lot size from 5,750 square feet (required) to 5, 158 square feet (requested) in order to complete a Two-Unit Residential in an "SF-3-NP",

Single-Family Residence-Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)

Note: 25-2-773 - DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES.

(A) To the extent of conflict, this section supersedes the base zoning district regulations.

(B) For a duplex, two-unit, and three-unit residential use:

(1) minimum lot area is 5,750 square feet;

(2) minimum front yard setback is 15 feet;

(3) minimum rear yard setback is:

(a) the base zoning district minimum rear yard setback; or

(b) five feet when the lot is adjacent to:

(i) an alley; or

(ii) another lot with a use that is permitted in a multifamily base zoning district or less restrictive base zoning district;

(4) minimum street-side yard setback for a lot located on a corner and:

(a) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or

(b) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line;

(5) minimum number of street-facing entrances is one;

(6) maximum building coverage is 40 percent; and

(7) maximum impervious cover is 45 percent.

Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; [Ord. No. 20231102-028](#), Pt. 12, 11-13-23; [Ord. No. 20231207-001](#), Pt. 8, 12-18-23.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen's motion to Approve; Vice Chair Melissa Hawthorne seconds on 10-0 votes; GRANTED.

11. C15-2024-0047 Bhavani Singal for Darrell Azar
4906 Lynnwood Street

On-Line Link: [ITEM11 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 interior side yard setback from 5 feet (required) to 2 feet 5 inches (requested) and

▪ Section 25-2-515 (*Rear yard of Through Lot*) & Section 25-2-773 (*Duplex, Two-Unit, and Three-Unit Residential Uses*) (B) (3) (a) to decrease the minimum rear yard setback from 15 feet (required) to 3 feet (requested), in order to complete and change the use of an existing detached garage to a Two-Unit Residential in an "SF-3", Single-Family Residence zoning district.

Note: LDC Sections:

25-2-515 – REAR YARD OF THROUGH LOT

For a through lot, a rear yard must comply with the minimum requirements applicable to a front yard.

25-2-773 - DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES.

(A) To the extent of conflict, this section supersedes the base zoning district regulations.

(B) For a duplex, two-unit, and three-unit residential use:

(1) minimum lot area is 5,750 square feet;

(2) minimum front yard setback is 15 feet;

(3) minimum rear yard setback is:

(a) the base zoning district minimum rear yard setback; or

(b) five feet when the lot is adjacent to:

(i) an alley; or

(ii) another lot with a use that is permitted in a multifamily base zoning district or less restrictive base zoning district;

(4) minimum street-side yard setback for a lot located on a corner and:

(a) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or

(b) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line;

(5) minimum number of street-facing entrances is one;

(6) maximum building coverage is 40 percent; and

(7) maximum impervious cover is 45 percent.

Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; [Ord. No. 20231102-028](#), Pt. 12, 11-13-23; [Ord. No. 20231207-001](#), Pt. 8, 12-18-23.

The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen's motion to Approve; Vice Chair Melissa Hawthorne seconds on 10-0 votes; GRANTED.

DISCUSSION ITEMS

12. Discussion of the November 14, 2024, Board of Adjustment activity report

On-Line Link: [ITEM12 November 14, 2024-MONTHLY REPORT](#)

DISCUSSED; POSTPONED TO January 13, 2025

FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

New Item agenda:

Chair Jessica Cohen is requesting a representative from Clerk's office to explain why *Item 13 Discussion regarding the reading of the findings for BOA cases was too vague and was not able to post as is.*

ADJOURNMENT 8:04PM

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

C15-2024-0042

The public hearing was closed by Chair Jessica Cohen, Board Member Brooke Bailey motions to Grant with conditions lot size of 5,500 square feet, limiting building cover to 40%, limiting impervious cover to 45%, F.A.R. 0.4 to 1 ratio, no further encroachment of Accessory Structure and limit to 15 feet in height and a single-story, request survey with exact lot size for Residential Plan Review; Board Member Melissa Hawthorne seconds on a 10-0 vote; GRANTED WITH CONDITIONS LOT SIZE OF 5,500 SQUARE FEET, LIMITING BUILDING COVER TO 40%, LIMITING IMPERVIOUS COVER TO 45%, F.A.R. 0.4 TO 1 RATIO, NO FURTHER ENCROACHMENT OF ACCESSORY STRUCTURE AND LIMIT TO 15 FEET IN HEIGHT AND A SINGLE-STORY, REQUEST SURVEY WITH EXACT LOT SIZE FOR RESIDENTIAL PLAN REVIEW.