



**BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
Monday, January 13, 2025**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, January 13, 2025, at 301 West 2<sup>nd</sup> Street in Austin, Texas.

**Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:42 PM.**

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

Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Jeffery Bowen, Bianca A. Medina-Leal, Brian Poteet, Janel Venzant, Michael Von Ohlen

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

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

**Board Members/Commissioners Absent**

Maggie Shahrestani, Suzanne Valentine (Alternate)

**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 December 9, 2024.

**On-Line Link: [Draft Minutes for December 9, 2024](#)**

**The minutes from the meeting December 9, 2024, were approved on Vice-Chair Melissa Hawthorne's motion, Board member Jeffery Bowen second, on 9-0 Vote.**

**PUBLIC HEARINGS**

Discussion and action on the following cases.

**Postponement request, by applicants/neighborhood group:  
Item 2 postponement request to March 10, 2025 and Item 4, and Item 5 postponement request to February 10, 2025.**

**Item 2 and Item 8 – Vice Chair Melissa Hawthorne motions to approve postponement request Item 2 to March 10, 2025, and Item 4 to February 10, 2025, Board member Yung-ju Kim seconds on 9-0 vote.**

**Item 5 open for discussion on the postponement request to February 10, 2025. Item 5– Vice Chair Melissa Hawthorne motions to approve postponement request to February 10, 2025, Board member Michael Von Ohlen seconds on 9-0 vote.**

## **PUBLIC HEARINGS**

Discussion and action on the following cases.

### **Previous Postponed Sign Variance cases:**

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

**On-Line Link: [ITEM02 ADV PACKET](#); [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 104.65 square feet to 314.86 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.

## **POSTPONEMENT REQUEST TO MARCH 10, 2025**

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

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

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) **All locations – Presentation 03/2 (map), 03/3, 03/9, 03/19**
- (B) (1) (b) to increase the maximum sign area on a lot from 64 square feet (maximum allowed) to 112 square feet (requesting)  
**64 sq. ft. to 112 sq. ft. for location 2 – Presentation 03/9**  
**64 sq. ft. to 70 sq. ft. for location 3 – Presentation 03/19**
- (B) (2) to increase overall sign height from 12 feet (maximum allowed) to 17 feet (requesting),  
**12 ft. to 15 ft. for location 2 – Presentation 03/9**  
**12 ft. to 14 ft. 6 in. for location 3 – Presentation 03/19**
- (F) to allow for internally sign illumination for three (3) signs (requesting)  
**locations 1, 2, & 3 – Presentation 03/2 (map)**
- (G) to decrease signs from the right-of-way of at least 12 feet (minimum required) to 3 feet (requesting)  
**locations 1, 2, & 3 – Presentation 03/2 (map)**

*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)  
**locations 1, 2, & 3 – Presentation 03/2 (map)**
  - (F) (1) to increase height of not more than 30 inches (maximum allowed) to 17 feet (requesting)  
**30 in. to 15 ft. for location 2 – Presentation 03/9**  
**30 in. to 14 ft. 6 in. for location 3 – Presentation 03/19**
  - (F) (2) to reduce clearance of at least nine (9) feet (minimum allowed) to zero (0) feet (requesting).  
**locations 1, 2, & 3 – Presentation 03/2 (map)**
- 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.

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen's motion to Approve as noted in red; Board member Brian Poteet second on 8-1-0 votes (Vice Chair Melissa Hawthorne Abstained); GRANTED AS NOTED IN RED.**

#### Previous Postponed Variance cases:

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

**On-Line Link: [ITEM04 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).

**POSTPONEMENT REQUEST TO FEBRUARY 10, 2025**

5. C15-2024-0040 Leah M. Bojo for Chris Affinito  
600 Cumberland Road and 2610 & 2612 South 1<sup>st</sup> Street

**On-Line Link:** [ITEM05 ADV PACKET](#); [PRESENTATION](#); [NG1-PRESENTATION](#); [NG2-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).

**POSTPONEMENT REQUEST TO FEBRUARY 10, 2025**

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

**On-Line Link: [ITEM06 ADV PACKET](#); [PRESENTATION](#)**

The applicant is requesting the following variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) and 25-2-779 (*Small Lot Single-Family Residential Use*) 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)

*Note: Per Land Development Code:*

**25-2-779 - SMALL LOT SINGLE-FAMILY RESIDENTIAL USE.**

- (A) This section applies to a small lot single-family residential use.
- (B) This section supersedes the base zoning district regulations to the extent of conflict.
- (C) Only one dwelling unit is permitted on a lot.
- (D) This subsection applies to small lot single-family residential use on a property zoned single-family residence small lot (SF-4A) district or less restrictive.
  - (1) The minimum lot size is:
    - (a) 3,600 square feet; or
    - (b) for a corner lot, 4,500 square feet.
  - (2) A lot that fronts on a cul-de-sac must have:
    - (a) a chord width of not less than 33 feet at the front lot line;
    - (b) a width of not less than 40 feet at the front yard setback line; and
    - (c) a width of not less than 40 feet at all points 50 feet or more behind the front lot line.
  - (3) The maximum height for a structure is 35 feet.
  - (4) The minimum front yard setback is 15 feet.
  - (5) The minimum street side yard setback is 10 feet.
  - (6) The minimum interior side yard setback is three and one-half feet, except:
    - (a) an interior side yard setback is not required if the interior side yard is adjacent to property zoned single-family residence small lot (SF-4A) district; and

- (b) the combined width of the interior side yards of a lot may not be less than seven feet.
- (7) The minimum rear yard setback is five feet, excluding easements.
- (8) The minimum setback between a rear access easement and a building or fence is 10 feet.
- (9) The maximum building coverage is 55 percent.
- (10) The maximum impervious cover is 65 percent.
- (11) A small lot single-family residential use must comply with the requirements of [Section 25-4-232](#) (*Small Lot Subdivisions*).

(E) Subsections (F) through (M) apply to small lot single-family residential use on property zoned family residence (SF-3) district or more restrictive.

(G) Building cover limits do not apply to a property zoned family residence (SF-3) district or more restrictive.

(H) Impervious Cover.

- (1) The maximum impervious cover is the maximum allowed in the base zoning district regulations.
- (2) Except for a flag lot, the maximum front yard impervious cover for driveways and parking areas is 50 percent.

(I) Subchapter F (*Residential Design and Compatibility Standards*) does not apply to a property zoned family residence (SF-3) district or more restrictive except as provided in Subsection (J).

Source: Ord. 041118-57; [Ord. No. 20240516-006](#), Pt. 5, 5-27-24.

**The public hearing was closed by Madam Chair Jessica Cohen, Vice Chair Melissa Hawthorne's motion to Approve; Board member Michael Von Ohlen second on 9-0 votes; GRANTED.**

## **DISCUSSION ITEMS**

- 7. Discussion of the December 9, 2024, Board of Adjustment activity report  
**On-Line Link: [ITEM07 December 9, 2024-MONTHLY REPORT](#)**  
**DISCUSSED; CONTINUED TO February 10, 2025**
- 8. Discussion regarding removal of Item 13 from the December 9, 2024, Board of Adjustment agenda due to a concern that the posting language was too vague and therefore not in compliance with the Texas Open Meetings Act.  
**DISCUSSED**
- 9. Discussion regarding the process used to adopt findings that are required for Board of Adjustment action.  
**DISCUSSED**

## **FUTURE AGENDA ITEMS AND ANNOUNCEMENTS**

### **ADJOURNMENT 7:07 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)