



**BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
Monday, November 10, 2025**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on **Monday, November 10, 2025**, at 301 West 2<sup>nd</sup> Street in Austin, Texas.

**Madam Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:56 PM.**

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

Jessica Cohen-Chair, Haseeb Abdullah, Sameer S Birring, Jeffery Bowen, Bianca A. Medina-Leal, Brian Poteet, Maggie Shahrestani, Michael Von Ohlen

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

Melissa Hawthorne-Vice Chair, Thomas Ates, Yung-ju Kim

**Board Members absent:**

Corry L Archer-McClellan (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 Regular meeting on October 13, 2025.

**On-Line Link: [Oct 13, 2025 draft minutes](#)**

**The minutes from the meeting on October 13, 2025, were approved on Board member Michael Von Ohlen, Vice Chair Melissa Hawthorne second, on 11-0 Vote.**

**PUBLIC HEARINGS**

Discussion and action on the following cases

**New Interpretation case:**

2. C15-2025-0041 Christ May (Appellant)  
Warren Konkel (Owner)  
6706 Bridge Hill Cove

**On-Line Link: [ADV PACKET APPELLANT](#); [ADV PACKET PERMIT HOLDER](#); [PRESENTATION APPELLANT](#); [PRESENTATION PERMIT HOLDER](#); [AE REPORT](#)**

Appellant challenges approval of administrative revisions to Plan Review No. 2022-0060407PR and revisions to the following associated permits:

- Building Permit No. 2022-093202BP (house remodel/additions)
- Building Permit no. 2022-093203BP (pool)

on the grounds that the approved work violates the applicable regulations of the Lake Austin (LA) zoning district established under City Code Chapter 25-2 (*Zoning*), including limitations on the modification or expansion of a legally noncomplying structure under City Code Sec. 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) and other applicable site development standards.

**The public hearing was closed by Chair Jessica Cohen, Board member Michael Von Ohlen's motion to postpone appeal to December 8, 2025; Vice Chair Melissa Hawthorne second on 11-0 votes; POSTPONED TO December 8, 2025.**

**Previous Postponed Sign cases:**

3. C16-2025-0005 Jonathan Perlstein for Elizabeth McFarland  
4700 Weidemar Lane

**On-Line Link:** [ITEM03 ADV PACKET PART1](#), [PART2](#), [PART3](#), [PRESENTATION](#)

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-127 (*Multi-Family Residential Sign District Regulations*):

- (E) (2) (a) to exceed total sign area of 35 square feet (maximum allowed) to 192 square feet (requested) (facing south on building extension, not directly facing Weidemar Ln)
- (E) (2) (a) to exceed total sign area of 35 feet (maximum allowed) to 96 square feet (requested)

for Halo signs in order to provide signage for Alexian St. Elmo in a "MF-6-CO-NP", Multi-Family – Conditional Overlay - Neighborhood Plan zoning district. (East Congress Neighborhood Plan), Multi-Family Residential Sign District.

**Note:** *Land Development Code Section 25-10-127 Multi-Family Residential Sign District Regulations*

(A) *This subsection applies to a multifamily residential sign district:*

(E) *For signs other than freestanding signs, the total sign area for a lot may not exceed the lesser of:*

(1) *0.5 square feet for each linear foot of street frontage; or*

(2) *35 square feet.*

*Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170817-072, Pt. 11, 8-28-17.*

**The public hearing was closed by Chair Jessica Cohen, Board member Michael Von Ohlen's motion to Approve with the large sign south elevation limited to 100 sf shown on Advance packet Item3/14 with the bottom edge starting at level three 677.31 feet and the sign for the east elevation shown in Advance packet Item3/15 limited to 96 sf; Board member Maggie Shahrestani second on 10-0-1 votes (Vice Chair Melissa Hawthorne abstain); GRANTED WITH THE LARGE SIGN SOUTH ELEVATION LIMITED TO 100 SF SHOWN ON ADVANCE PACKET ITEM3/14 WITH THE BOTTOM EDGE STARTING AT LEVEL THREE 677.31 FEET AND THE SIGN FOR THE EAST ELEVATION SHOWN IN ADVANCE PACKET ITEM3/15 LIMITED TO 96 SF.**

**Previous Postponed cases:**

4. C15-2025-0026 Stephen Hawkins for Red Bud Partners, LP

1750 Channel Road

**On-Line Link:** [ITEM04 ADV PACKET PART1](#), [PART2](#), [PRESENTATION OPPOSITION](#), [PRESENTATION](#)

The applicant has requested variance(s) from the Land Development Code, Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) (A) (1) to increase the dock length from 30 feet (required) to thirty-seven feet and three inches (37' 3") (requested), in order to erect a boat dock in a "SF-2" Single-Family 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. (1) A dock may extend up to 30 feet from the shoreline, except that the director may require a dock to extend a lesser or greater distance from the shoreline if deemed necessary to ensure navigation safety.*

**The public hearing was closed by Chair Jessica Cohen, Board member Michael Von Ohlen's motion to postpone to December 8, 2025; Vice Chair Melissa Hawthorne second on 11-0 votes; POSTPONED TO December 8, 2025.**

5. C15-2025-0027 Stephen Hawkins for Tom Davis Jr.  
1752 Channel Road

**On-Line Link:** [ITEM05 ADV PACKET PART1](#), [PART2](#), [PART3](#), [PRESENTATION OPPOSITION](#), [PRESENTATION](#)

The applicant has requested variance(s) from the Land Development Code, Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) (A) (1) to increase the dock length from 30 feet (required) to forty-six feet and one inch (46' 1") (requested), in order to erect a boat dock in a "SF-2" Single-Family 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. (1) A dock may extend up to 30 feet from the shoreline, except that the director may require a dock to extend a lesser or greater distance from the shoreline if deemed necessary to ensure navigation safety.*

**The public hearing was closed by Chair Jessica Cohen, Chair Jessica Cohen's motion to postpone to December 8, 2025; Vice Chair Melissa Hawthorne second on 11-0 votes; POSTPONED TO December 8, 2025.**

6. C15-2025-0036 Joshua Myers  
12302 Split Rail Parkway

**On-Line Link:** [ITEM06 ADV PACKET PART1](#), [PART2](#), [PART3](#), [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 front yard setback from 25 feet (required) to 5 feet (requested) in order to maintain a Carport in a "SF-2", Single-Family zoning district.

**The public hearing was closed by Chair Jessica Cohen, Board member Michael Von Ohlen's motion to Approve with conditions that the carport remain open all 3 sides and add gutters to the side of the adjacent property owner; Vice Chair Melissa Hawthorne second on 11-0 votes; GRANTED WITH CONDITIONS THAT THE CARPORT REMAIN OPEN ALL 3 SIDES AND ADD GUTTERS TO THE SIDE OF THE ADJACENT PROPERTY OWNER.**

**New Sign case**

7. C16-2025-0007 Alexa Rosselot for Reserve at Bull Creek LLC, Federico Wilensky  
7501 N Capital of Texas Highway NB

**On-Line Link: [ITEM07 ADV PACKET](#), [AE REPORT](#), [PRESENTATION](#)**

The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-124 (*Scenic Roadway Sign District Regulations*), (B) to allow more freestanding signs from one (1) (maximum allowed) to one (1) additional (requesting); a total of two free-standing signs in order to provide signage for AVES/Ethos Veterinary Clinic in a “GO-CO, LR-CO”, General Office – Conditional Overlay – Neighborhood Commercial – Conditional Overlay zoning district. (Scenic Roadway Sign District).

**Note:** Land Development Code, 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.

**The public hearing was closed by Chair Jessica Cohen, Board member Michael Von Ohlen’s motion to Approve; Board member Brian Poteet second on 10-0-1 votes (Vice chair Melissa Hawthorne abstain); GRANTED.**

**New Variance cases:**

8. C15-2025-0038 William T. Fox  
9730 Anchusa Trail

**On-Line Link: [ITEM08 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 interior side yard setback from 10 feet (required) to 5 feet (requested) and
- setback requirements to decrease the minimum rear yard setback from 20 feet (required) to 10 feet (requested)

in order to erect a detached one-story garage/home workshop to a Single-Family residence in a “RR-NP”, Rural Residential-Neighborhood Plan zoning district (West Oak Hill Neighborhood Plan).

**The public hearing was closed by Chair Jessica Cohen, Board member Michael Von Ohlen’s motion to Approve; Vice Chair Melissa Hawthorne second on 11-0 votes; GRANTED.**

**Reconsideration case:**

- 9. C15-2025-0035 Bob Kaler and Carol Journeyay (Appellant)  
 Kateryna Luschchenko (Owner)  
 205 E. 34<sup>th</sup> Street

**On-Line Link:** [ITEM09 APPELLANT-ADV PACKET PART1](#), [APPELLANT-PART2](#), [PERMIT HOLDER- ADV PACKET](#), [STAFF REPORT](#), [LATE BACKUP OPPOSITION](#), [LATE BACKUP SUPPORT](#), [APPELLANT PRESENTATION](#), [PERMIT HOLDER PRESENTATION](#)

The appellant has filed an appeal challenging the approval of a building permit (BP No. 2025-072930) and related construction plans for proposed development of a three-unit residential use at 205 East 34<sup>th</sup> Street, Austin, TX 78705. The appeal alleges that City staff’s decision to approve the permit failed to comply with applicable zoning regulations, including requirements of the North University Neighborhood Conservation-Neighborhood Plan (NCCD-NP) Combining District (Ordinance No. 040826-58) and/or Chapter 25-2 relating to required setbacks, limits on gross floor area, and other site development standards, as well as requirements for development applications in Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*).

**Note:**

- Ordinance No. 040826-58 North University Neighborhood Conservation Combining District Part 6 General Provisions. Except as otherwise provided in this ordinance, the following provisions apply to all property within the NCCD-NP. This section does not apply to Waller Creek/Seminary District 7 or District 7A.
  - ♦ Section 3 - Street yard setbacks.
    - a. Front yard setback. The minimum front yard setback equals the average of the front yard setbacks of the principal single-family buildings on the same side of the street of a block. The maximum setback may not exceed the average setback by more than five feet.
      - Part 7 RESIDENTIAL DISTRICT. The Residential District is intended to protect the original buildings and development patterns of the neighborhood that were established for residential use. Single family homes and some of the older multi-family structures were built in the context of the traditional development patterns. New residential development should respect traditional patterns including building orientation, scale, height, setbacks and parking location.
        1. Site Development standards table. Except as otherwise modified in this part, the following site development regulations apply.

RESIDENTIAL DISTRICT	SITE DEVELOPMENT STANDARDS				
	SF-2/SF-3	MF-1	MF-2	MF-3 thru MF-6	NO
Min. lot size	5750*	8000*	8000*	8000*	5750*
Min. lot width	50*	50*	50*	50*	50%
Max. FAR	Duplex 0.4:1	0.5:1	0.5:1	0.5:1	0.35:1
Max. building coverage	40%	45%	50%	55%	35%

RESIDENTIAL DISTRICT	SITE DEVELOPMENT STANDARDS				
	SF-2/SF-3	MF-1	MF-2	MF-3 thru MF-6	NO
Max. impervious cover	45%	55%	60%	65%	60%
Max. height	(See Height Map – Exhibit -D)				
Min. front setback	(See Part 6. General Provisions)				
Max. front setback	(See Part 6. General Provisions)				
Min. street side yard setback	(See Part 6. General Provisions)				
Min. interior side yard setback	5’**	5’**	5’**	5’**	5’**
Min. rear setback -- principal structure	10’***	10’***	10’***	10’***	10’***
*See Part 6. Subsections 5 & 6 (General Provisions)					
**A new principal structure must be at least 10’ from a principal structure on an adjacent lot					
***For a through lot the rear setback is 15’					

- ♦ Footnote \*\*a new principal structure must be at least 10 feet from a principal structure on an adjacent lot.

- **Land Development Code, 25-1-82 Non-Subdivision Application Requirements and Expiration**  
This section does not apply to an application for preliminary plan, plat, or subdivision construction plan.
  - (A) The responsible director may adopt rules establishing the requirements for an application, including timelines for completing staff review and deadlines by which an application must be updated to meet the requirements of this title and other applicable regulations. The rules adopted must be consistent with the timelines for action established in [Section 25-1-64](#) (Action on an Application; Deadline).
  - (B) The responsible director or building official may permit an applicant to omit required information from an application that the responsible director or building official determines is not material to a decision on the application. An applicant who disagrees with a determination under this subsection may appeal the decision to the city manager.
  - (C) Except as otherwise provided for in this section, the director is authorized to certify a site plan application if it complies with this subsection.
    - (1) An application is complete after the applicant pays the required fee and provides the information required to be included in the application no later than the 45th day after the application is submitted.
    - (2) If the director rejects an application as incomplete, the director shall provide an applicant with a written explanation that identifies the deficiencies and information needed to complete the application. The director must provide the written explanation within 10 working days after the application is received.
    - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit additional information and correct any deficiencies at any time before the 45th day after the application was submitted.
    - (4) A certification that the site plan application is administratively complete is valid for 45 days after the certification has been issued.
  - (D) The director is authorized to review a site plan application if the applicant pays the required fee and the site plan application has a valid certification of completeness. If the application has not yet been certified, the certification is no longer valid, or the submitted site plan does not match the certified materials, the director may not review the application but shall provide the applicant a written explanation that identifies the deficiencies within 10 working days after application is received.
  - (E) The responsible director or building official may not accept a building or demolition permit application described in [Chapter 25-11, Article 2 \(Building and Demolition Permits\)](#) unless the application is determined to be complete in accordance with this subsection.
    - (1) The responsible director or building official shall accept an application as complete if the applicant has paid the required fee and provided the information required to be included in the application no later than the 45th day after the application is submitted.
    - (2) If the responsible director or building official rejects an application as incomplete, the responsible director or building official shall provide an applicant with a written explanation that identifies the deficiencies and information needed to complete the application. The responsible director or building official must provide the written explanation within 10 working days after the application is received.
    - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit an update to provide additional information and to correct deficiencies at any time before the application expires.
  - (F) An application for a site plan expires one year after the application is submitted unless:
    - (1) the application has been approved; or
    - (2) the director has granted additional days for the applicant to submit an update under [Section 25-1-90\(A\)](#) (Extension of Update Deadline).
  - (G) If the director grants additional days to the applicant under Subsection (F)(2), then the expiration date of the application is extended by the number of days granted.
  - (H) Applications subject to [Section 25-1-712](#) (Tenant Notification Required).
    - (1) The responsible director may not certify a site plan application as complete until the applicant has paid the required fee, provided the information required to be included, and complied with the notification requirements or the required number of days lapse.
    - (2) The responsible director or building official may not accept an application as complete until the applicant has paid the required fee, provided the information required to be included, and complied with the notification requirements or the required number of days lapse.
    - (3) If, at the time an application is submitted, a multi-family property is unoccupied but was occupied within the previous 120 days, the application will be rejected as incomplete.
    - (4) If, at the time an application is submitted, a mobile home park is unoccupied but was occupied within the previous 270 days, the application will be rejected as incomplete.

Source: Section 13-1-31; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; [Ord. No. 20140612-084, Pt. 6, 6-23-14](#); [Ord. No. 20160421-039, Pt. 3, 5-2-16](#); Ord. No. [20160901-050](#), Pt. 6, 9-12-16; Ord. No. [20190822-117](#), Pt. 6, 9-1-19; [Ord. No. 20230831-141](#), Pt. 8, 9-11-23; [Ord. No. 20230831-103](#), Pt. 1, 9-11-23.

**Vice Chair Melissa Hawthorne’s motion to call the question and end discussion, Board member Maggie Shahrestani second on 7-3-1 vote (Chair Jessica Cohen abstains, Board member Thomas Ates, Maggie Shahrestani, Brian Poteet nay)**

**Board member Michael Von Ohlen’s motion to Deny the reconsideration request; Board member Maggie Shahrestani second on 9-2 votes (Board member Thomas Ates and Brian Poteet nay); RECONSIDERATION REQUEST DENIED.**

## **DISCUSSION AND ACTION ITEMS**

10. Discussion of the October 13, 2025, Board of Adjustment activity report  
**On-Line Link: [ITEM10 October 13, 2025-MONTHLY REPORT](#)**  
**DISCUSSED**

## **FUTURE AGENDA ITEMS**

**Add to discussion items: Working group to discuss NCCD and Habitable Attic**

**ADJOURNMENT 10:26 PM**

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. For assistance, please contact the Liaison or TTY users' route through 711. A person may request language access accommodations no later than 48 hours before the scheduled meeting. Please call the Board Liaison Elaine Ramirez, Austin Development Services Department at 512-974-2202 or email [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov) or call the Board Secretary Diana Ramirez at 512-974-2241 or email [diana.ramirez@austintexas.gov](mailto:diana.ramirez@austintexas.gov) to request service or for additional information.

For more information on the Board of Adjustment, please contact Board Liaison's Elaine Ramirez at 512-974-2202 or [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

***The minutes were approved at the December 8, 2025 Board of Adjustment meeting on Vice Chair Melissa Hawthorne's motion, Board Member Brian Poteet second on a 11-0 vote.***