REGULAR MEETING OF THE BOARD OF ADJUSTMENT
MONDAY, November 9, 2026 AT 5:30 P.M.
AUSTIN CITY HALL, COUNCIL CHAMBERS, ROOM 1001
301 WEST 2ND STREET
AUSTIN, TEXAS

Some members of the BOARD OF ADJUSTMENT may be participating by videoconference. The meeting may be viewed online at: http://www.austintexas.gov/page/watch-atxn-live

Public comment will be allowed in-person or remotely via telephone. Speakers may only register to speak on an item once either in-person or remotely and will be allowed up to three minutes to provide their comments. Registration no later than noon the day before the meeting is required for remote participation by telephone. To register to speak remotely, contact Elaine Ramirez at 512-974-2202 or email elaine.ramirez@austintexas.gov.

CURRENT BOARD MEMBERS:

___Jeffery Bowen (Chair)
___Margaret Shahrestani (Vice-Chair)
___Haseeb Abdullah
___Corry L Archer-McClellan
___Joseph El Habr
___Melissa Hawthorne
___VACANT
___Yung-ju Kim
___Bianca A Medina-Leal
___Brian Poteet
___Michael Von Ohlen
___VACANT(Alternate)
___Suzanne Valentine (Alternate)

AGENDA

CALL TO ORDER

PUBLIC COMMUNICATION: GENERAL

The first 4 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.

APPROVAL OF MINUTES

1. Approve the minutes of the Board of Adjustment Regular meeting on October 12, 2026
   On-Line Link: ITEM01 October 12, 2026, draft minutes

PUBLIC HEARINGS

Discussion and action on the following cases

New Variance cases:

2. C15-2026-0041 Luke and Cherry Scarmardo
8402 Kimble Cove

On-Line Link: ITEM02 ADV PACKET; PRESENTATION
The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 *(Site Development Regulations) (D)* from setback requirements for a front setback of 25 feet (required) to 20 feet on right side and 13 ft on left side (requested) in order to attach a Carport in a "SF-3NP", Single-Family-Neighborhood Plan zoning district. (Wooten Neighborhood Plan).

3. C15-2026-0043 Di Yang Shi
7606 Creston Lane

On-Line Link: ITEM03 ADV PACKET; PRESENTATION
The applicant is requesting a variance from the Land Development Code, Section 25-2-899 (*Fences as Accessory Uses*) to increase the height from six (6') feet from natural grade (maximum allowed) to ten feet (10') (requested) in order to erect a solid fence along interior sides (NW & NE) and rear (NW & N) property lines in a "SF-3-NP", Single-Family- Neighborhood Plan zoning district (Highland Neighborhood Plan).

Note: *The Land Development Code 25-2-899 Fences as Accessory Uses*
(A) Except as otherwise provided in this chapter, a fence
(1) is permitted as an accessory use in any zoning district; and
(2) must comply with the requirements of this section.
(B) In this section:
(1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and
(2) a solid fence is a fence other than an ornamental fence.
(C) The height restrictions of this section do not apply to an ornamental fence.
(D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed a height of six feet measured from the natural grade up.
(E) If there is a change in grade of at least one foot measured along any run of a solid fence along a property line, then the portion of the fence where the grade change occurs may be constructed to a maximum height of seven feet.
(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.
(G) A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.
(H) A solid fence may be constructed to a height of eight feet if the fence is located between a residential use and:
(1) property zoned as a commercial or industrial base district;
(2) property used for a commercial or industrial use; or
(3) an alley that separates a residential use and:
(a) property zoned as a commercial or industrial base district; or
(b) property used for a commercial or industrial use.
(I) Except as provided in Paragraph (1), a fence shall be constructed in accordance with this subsection.
(1) This subsection does not apply to a fence that:
(a) was constructed before July 31, 2023; or
(b) is more than six feet in height and located on a property with a non-residential use.
(2) When more than 50 percent of the total linear distance of an existing fence is replaced, the entire fence must comply with this subsection.
(3) For new or replacement fences that follow historic design standards, this subsection will control if there is a conflict with the historic design standards.
(4) A fence may not include:
(a) spiked pickets, spiked bars, or other spiked decorative elements above the top horizontal backer rail;
(b) vertical pickets above the top horizontal backer rail if the vertical pickets are separated by more than two inches and less than nine inches;
(c) razor-like wire; or
(d) barbed wire unless the fence is enclosing an airport or other landing area for aircraft and the use of barbed wire is required by Federal Aviation Administration regulation.
(5) A fence that creates a substantial risk of entrapment or impalement is prohibited.
(6) A solid chain link fence shall use knuckle selvage.
(J) A fence used as a swimming pool barrier shall comply with Chapter 25-12, Article 14 (Swimming Pool and Spa Code).
Source: Section 13-2-308; Ord. 990225-70; Ord. 031211-11; Ord. 050127-64; Ord. No. 20141120-181, Pt. 1, 12-1-14; Ord. No. 20230720-156, Pt. 2, 7-31-23.

4. C15-2026-0044 Billy Blackburn for Avery Construction LLC
2106 East 8th Street

On-Line Link: ITEM04 ADV PACKET; PRESENTATION

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 *(Site Development Regulations) (D)* **&** Section 25-2-943 *(Substandard Lot)* from lot size requirements decrease the minimum lot size from 5,750 square feet (required) to 5,627 square feet (requested) in order to erect a Two-Unit Residential Use in a "SF-3NP", Single-Family-Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan).

***Note:* Land Development Code - Section 25-2-943 Substandard Lot**

(A) A substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.

(B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.

(1) A substandard lot recorded in the county real property records before March 15, 1946 must:

(a) have an area of not less than 4,000 square feet; and

(b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:

(i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;

(ii) not more than 150 feet in length; and

(iii) maintained for access by the property owner.

(2) A substandard lot recorded in the county real property records after March 14, 1946 must:

(a) have an area of not less than 5,750 square feet; and

(b) be not less than 50 feet wide at the street or at the building line.

(C) If a substandard lot is used with one or more contiguous lots for a single use or unified development, the requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.

(D) A substandard lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirement.

Source: Sections 13-2-334, 13-2-335, and 13-2-336; Ord. 990225-70; Ord. 031211-11; Ord. 20070726-131.

For the above address The Grandview Place subdivision plat, which created Lot 15, Block 22, was filed and recorded in the Travis County plat records on December 10, 1913, in Volume 3, Page 17, Plat Records, Travis County, Texas.

Previous Postponed cases:

5. C15-2026-0036 Richard T Suttle, Jr. for Erin Booth Derbas
4107 Lakeplace Lane

On-Line Link: ITEM05 ADV PACKET; PRESENTATION

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

- Section 25-2-551 *(Lake Austin (LA) District Regulations) (B)(3) (a)* to permit a tram (mechanical pedestrian access).
  and
- Section 25-2-551 *(Lake Austin (LA) District Regulations) (E)(2)* to permit 260 square feet development on a slope with a gradient of more than 35%, in order to maintain a tram in a "LA", Lake Austin zoning district.

For the above address the Subdivision Plat was recorded on March 25, 1915.

Note:

Land Development Code

Section 25-2-551 Lake Austin (LA) District Regulations

{A} In this section:

(1) SHORELINE means the 492.8 topographic contour line along the shores of Lake Austin.

(2) SHORELINE SETBACK means a line parallel to the shoreline and at a distance from the shoreline that is prescribed in this section.

(3) SHORELINE SETBACK AREA means an area between the shoreline and the shoreline setback.

(B) This subsection specifies shoreline setbacks in a Lake Austin (LA) district.

(1) The shoreline setback is:

(a) 75 feet; or

(b) 25 feet, if:

(i) the lot is located in a subdivision plat recorded before April 22, 1982, or is a legal tract exempt from the requirement to plat; and

(ii) the distance between the shoreline and the front lot line, or the property line of a legal tract, is 200 feet or less.

(E) This subsection specifies additional development standards based on a slope gradient in a Lake Austin (LA) district.

(1) On a slope with a gradient of more than 15 percent;

(a) vegetation must be restored with native vegetation, as prescribed by the Enviromental Criteria Manual, if it is disturbed or removed as a result of construction; and

(b) construction uphill or downhill from the slope must comply with the Enviromental Criteria Manual.

(2) on a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalks, or stairs.

6. C15-2026-0037 Shesh Aandahl for Soren Aandahl
714 Post Oak Street

On-Line Link: ITEM06 ADV PACKET PART1, PART2; PRESENTATION

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-779 *(Small Lot Single-Family Residential Use) (J)(4)* from gross floor area requirements to increase unit size from 2,300 square feet (maximum allowed) to 2,886 square feet (requested) in order to enclose an existing balcony to create conditioned bedroom space in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (Bouldin Creek NP).

Note:

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.

(J) Gross Floor Area

(1) This subsection applies to a property located within the area described in Subsection 1.2.1 of Subchapter F (Residential Design and Compatibility Standards).

(2) 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.

(3) The gross floor area may not exceed the greater of 1,650 square feet or a floor-to-area ratio of 0.55.

(4) The maximum unit size is 2,300 square feet.

Source: Ord. 041118-57; Ord. No. 20240516-006, Pt. 5, 5-27-24; Ord. No. 20250227-039, Pt. 2, 10-1-25.

DISCUSSION ITEMS

7. October 12, 2026, Board of Adjustment activity report
On-Line Link: ITEM07 October 12, 2026-MONTHLY REPORT

8. Report from working group on outcomes of BOA decision on Case No. C15-2025-0035 (made during BOA Meeting on November 10), specifically with respect to guidance given to staff regarding habitable attic space and how it figures into calculation of FAR.

DISCUSSION AND ACTION ITEMS

9. Discussion and action to consider initiating changes to the Board of Adjustment's Rules of Procedure, and provide direction to the City Attorney's Office.

FUTURE AGENDA ITEMS

ANNOUNCEMENTS

ADJOURNMENT

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 or call the Board Secretary Diana Ramirez at 512-974-2241 or email 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