



REGULAR MEETING of the BOARD OF ADJUSTMENT
July 8, 2024 AT 5:30PM
6310 Wilhelmina Delco Dr-Event Center, 1st floor – Room 1405 C
Austin, Texas 78701

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, email elaine.ramirez@austintexas.gov or call 512-974-2202.

CURRENT BOARD MEMBERS:

___ <i>Jessica Cohen (Chair)</i>	___ <i>Bianca A Medina-Leal</i>
___ <i>Melissa Hawthorne (Vice-Chair))</i>	___ <i>Brian Poteet</i>
___ <i>Thomas Ates</i>	___ <i>Margaret Shahrestani</i>
___ <i>Jeffery Bowen</i>	___ <i>Janel Venzant</i>
___ <i>Marcel Gutierrez-Garza</i>	___ <i>Michael Von Ohlen</i>
___ <i>Yung-ju Kim</i>	___ <i>Suzanne Valentine (Alternate)</i>

The Board of Adjustment may go into closed session to receive advice from legal counsel regarding any item on this agenda (Private consultation with legal counsel – Section 551.071 of the Texas Government Code).

AGENDA

CALL TO ORDER

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.

APPROVAL OF MINUTES

1. Approve the minutes of the Board of Adjustment Regular meeting on June 10, 2024.
On-Line Link: [ITEM01 DRAFT MINUTES June 10, 2024](#)

PUBLIC HEARINGS

Discussion and action on the following cases.

Previous Postponed Reconsideration cases:

2. C15-2024-0015 David Chace for Chris and Shannon Renner
1306 Rockcliff Road

On-Line Link: [ITEM02 ADV PACKET PART1, PART2, PART3, PART4; 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 40 feet (required) to 20 feet (requested)
- **Section 25-2-492** (*Site Development Regulations*) from setback requirements to decrease the minimum interior side yard setback (east side) from 10 feet (required) to 5 feet (requested)
- **Section 25-2-551** (*Lake Austin (LA) District Regulations*) (B) (1) (b) from shoreline setback requirements to decrease from 25 feet (required) to 0 feet (requested)

in order to demolish and construct a new 2 story single-family residence attached to existing legal non-complying Boat House in a “LA”, Lake Austin zoning district.

***Note:** This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or is a legal tract exempt from the requirement to plat.*

For the above address the Subdivision Plat was recorded on December 1, 1976

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.

Previous Postponed cases:

3. C15-2024-0018 Walter Olden
921 E 52nd Street

On-Line Link: [ITEM03 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 street side yard setback from 15 feet (required) to 0 feet (requested)
- decrease the minimum rear yard setback from 10 feet (required) to 0 feet (requested),

in order to complete a remodel and addition of 2nd FL residence to an existing detached garage in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (North Loop Neighborhood Plan).

4. C15-2024-0019 David Chace for Michael and Caroline Hinson
2913 Westlake Cove

On-Line Link: [ITEM04 ADV PACKET](#); [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 two minimum interior side yards setback from 10 feet (required) to 5 feet (requested).
- Section **25-2-551** (*Lake Austin (LA) District Regulations*) (B) (1) (a) from shoreline setback requirements to decrease from 75 feet (required) to 50 feet (requested) for the portion within 40 feet of the north side property line.

- Section **25-2-551** (*Lake Austin (LA) District Regulations*) (C) (3) (a) increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (maximum allowed) to 47.5 percent (requested), (54% existing)

in order to complete a remodel and addition to an existing 2 story single-family residence in a “LA”, Lake Austin zoning district.

Note: *This subsection of the Land Development Code applies to a lot included in a subdivision plat recorded before April 22, 1982 or a tract that is not required to be platted, and that is located in an LA district.*

For the above address the LSD tract was acknowledged by COA per attached document as approved legal tract in March 2008 by COA DAC staff via C8I-2008-0096. The separate instrument #2004165487 for lot 14 Lago Valla Addition Subdivision deed was recorded in August 2004 but existed in current configuration March 1982 per Volume 8027, page 352 T.C.P.R then received utility service May 1984.

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 requirements 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.*

(C) *This subsection specifies lot width and impervious cover restrictions in a Lake Austin (LA) district.*

(3) *For a lot included in a subdivision plat recorded before April 22, 1982, or a tract that is not required to be platted, impervious cover may not exceed:*

- (a) *35 percent, on a slope with a gradient of 15 percent or less;*
- (b) *10 percent, on a slope with a gradient of more than 15 percent and not more than 25 percent;*
- (c) *5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or*
- (d) *40 percent, if impervious cover is transferred under Subsection (D).*

- 5. C15-2024-0022 Gerardo Maximiliano Martinez, PE
1012 Vargas Road

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

The applicant is requesting a variance(s) from the Land Development Code, Section **25-2-492** (*Site Development Regulations*) from lot width requirements to decrease the front lot width from 50 feet (required) to 44 feet (requested), in order to subdivide one lot into two separate lots in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Montopolis Neighborhood Plan).

New Variance cases:

6. C15-2024-0020 Ian Wilson
2215 Canterbury Street

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

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 front yard setback from 25 feet (required) to 20 feet (requested)
- decrease the minimum interior side yard setback from 5 feet (required) to 0 feet (requested) **and**
- decrease the minimum street side yard setback from 15 feet (required) to 8 feet (requested),

in order to complete a remodel/addition and maintain a Single-Family residence in a “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Holly Neighborhood Plan).

7. C15-2024-0023 Miki Agrawal
1607 Kenwood Avenue

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

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 rear yard setback from 10 feet (required) to 5.7 feet (requested)
- Section 25-2-492 (*Site Development Regulations*) from building coverage requirements to increase from 40 percent (maximum allowed) to 50.77 percent (1,599.40 sq. ft.)(requested)
- Section 25-2-492 (*Site Development Regulations*) from impervious coverage requirements to increase from 45 percent (maximum allowed) to 60.37 percent (1,901.90 sq.ft.) (requested)

- Section 25-2-963 (*Modification and Maintenance of Non-complying Structures*) (F) (2) to increase the additional length of the front wall from 31'-2" (50% of this is 15'-7") to 18' - 1 1/2" (requested)
- Section 25-2-963 (*Modification and Maintenance of Non-complying Structures*) (F) (2) to increase the additional length of the side wall from 16'-1 3/4" (50% of this is 8'-1") to 15' - 4 3/4" (requested)

in order to complete a remodel/addition to an existing Single-Family residence in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (South River City Neighborhood Plan).

Land Development Code Section 25-2-963 Modification and Maintenance of NonComplying Structures.

(A) Except as provided in Subsections (B), (C), and (D) of this section, a person may modify or maintain a noncomplying structure.

(B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:

(1) Demolition or removal of walls must comply with the following requirements:

(a) No more than fifty percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this subsection, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.

(b) Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements.

(2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.

(3) For any residential use other than a single-family use in an SF-3 or more restrictive zoning district, the following requirements must be met in order to add square footage or convert accessory space into conditioned or habitable space:

(a) If the lot is non-complying with current lot size or lot width requirements, the cost of improvements may not exceed 20 percent of the value of the structure before the improvements.

(b) Compliance with current parking and occupancy regulations is required.

(4) If a noncomplying portion of a structure is demolished, it loses its noncomplying status and may only be rebuilt in compliance with current code.

(C) Except as provided in Subsections (E) and (F), a person may not modify or maintain a noncomplying structure in a manner that increases the degree to which the structure violates a requirement that caused the structure to be noncomplying.

(E) A person may increase the height of a building that is a noncomplying structure based on a height requirement of this title if:

(1) the increase is made to a portion of the building that:

(a) does not exceed the existing maximum height of the building; and

(b) complies with the yard setback requirements of this title;

(2) the increase does not exceed 15 percent of the existing maximum height of the building; and

(3) after modification, the height of the modified portion of the building does not exceed the existing maximum height of the building.

(F) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:

(1) the modified portion of the building:

(a) does not extend further into the required yard setback than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section;

(b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section; and
(c) complies with the height requirements of this title; and
(2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.
(G) Subsection (F) applies to each yard setback requirement with which the existing building does not comply.
(H) A person may modify a noncomplying building once under Subsection (E) and once under Subsection (F). This section does not prohibit a person from modifying a building along more than one yard setback as part of a single project.
Source: Sections 13-2-820 and 13-2-823; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20100624-149; Ord. 20101209-075; [Ord. No. 20140626-113, Pt. 4, 7-7-14.](#)

DISCUSSION ITEMS

8. Discussion of the June 10, 2024, Board of Adjustment activity report
On-Line Link: [ITEM08 June 10, 2024-MONTHLY REPORT](#)
9. Discussion of BOA Applicant Assistance Program
Link to <https://www.austintexas.gov/page/board-adjustments-support> and refer to the grant for low income homeowners
10. General discussion of fees and voting requirements for Board of Adjustment variances, special exceptions, and interpretation appeals for new members
Link to <https://www.austintexas.gov/edims/document.cfm?id=134658> [BOA Rules of Procedures](#)
Link to <https://services.austintexas.gov/edims/document.cfm?id=387491> [BOA Bylaws](#)
[BOA FEE SCHEDULE](#); [BOA VARIANCES FEE SCHEDULE](#); [BOA GUIDEBOOK](#)

DISCUSSION AND ACTION ITEMS

11. Discussion and possible action regarding the Board's Annual Internal Review Report (July 1, 2023-June 30, 2024) to Council

FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

ADJOURNMENT

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