SPECIAL CALLED MEETING of the BOARD OF ADJUSTMENT
November 14, 2024 AT 5:30PM
Austin City Hall, Council Chambers, Room 1001
301 West 2nd Street, 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:

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

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 October 14, 2024.
   On-Line Link: **Draft Minutes for October 14, 2024**

PUBLIC HEARINGS

Discussion and action on the following cases.

Previous Postponed cases:

2. C15-2024-0028 Haim Joseph Mahlof (Green Bay Remodeling, Inc.) 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).

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**;
   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).

New Sign Variance cases:

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

On-Line Link: ITEM04 ADV PACKET
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 90 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.

New Variance cases:

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

On-Line Link: ITEM05 ADV PACKET; PRESENTATION PART1, PART2, PART3, PART4, PART5, PART6

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).*

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

On-Line Link: ITEM06 ADV PACKET; NO 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).

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

On-Line Link: ITEM07 ADV PACKET PART1, PART2; PRESENTATION

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.

DISCUSSION ITEMS

8. Discussion of the October 14, 2024, Board of Adjustment activity report
   On-Line Link: ITEM08 October 14, 2024-MONTHLY REPORT

9. Discussion regarding a proposed increase of gas queue lanes for 25-2-814(3)

10. Discussion regarding the reading of the findings for the Board of Adjustment cases

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/elaine.ramirez@austintexas.gov