REGULAR MEETING of the BOARD OF ADJUSTMENT
May 12, 2025 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*
___*Sameer S Birring*
___*Bianca A Medina-Leal*
___*Yung-ju Kim*
___*Brian Poteet*
___*Niccolo A Sacco*
___*Margaret Shahrestani*
___*Michael Von Ohlen*
___*Corry L Archer-Mcclellan (Alternate)*
___*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 meeting on April 14, 2025.
On-Line Link: Draft Minutes for April 14, 2025

PUBLIC HEARINGS

Discussion and action on the following cases.

New Sign case(s):

2. C16-2025-0003 Colton Gohlke for Ascension Seton-Maria Vinhais
4900 Mueller Boulevard

On-Line Link: ITEM02 ADV PACKET PART1, PART2, PART3; PRESENTATION

The applicant is requesting a sign variance(s) from the Land Development Code, ***Section 25-10-130 (Commercial Sign District Regulations)*** **(B)** to allow from one (1) freestanding sign (maximum allowed), to adding an additional nine (9) freestanding signs [total of eleven (11)] (requesting) in order to erect free-standing sign(s) for Ascension Dell Children's Medical Center in a "PUD", Commercial Sign District.

Note: *25-10-130 - COMMERCIAL SIGN DISTRICT REGULATIONS.*
(A) This section applies to a commercial sign district.
(B) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 25-10-131 (Additional Freestanding Signs Permitted).
(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) This subsection prescribes the maximum sign area.
(1) For signs other than freestanding 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.
(2) For a freestanding sign, the sign area may not exceed the lesser of
(a) 0.7 square feet for each linear foot of street frontage; or
(b) for a sign other than a multi-tenant sign, 200 square feet; or
(c) for a multi-tenant sign, 250 square feet.
(G) The sign height may not exceed the greater of:
(1) 30 feet above frontage street pavement grade; or
(2) 6 feet above grade at the base of the sign.
Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170817-072, Pt. 14, 8-28-17.

25-10-131 - ADDITIONAL FREESTANDING SIGNS PERMITTED.
(A) This section applies in the expressway corridor, downtown, and commercial sign districts.
(B) In this section, "lot" includes contiguous lots used for a single use or unified development.
(C) For a lot with total street frontage of more than 400 feet, two freestanding signs are permitted.
(D) For a lot fronting on two streets, one freestanding sign is permitted on each street.
(E) For a pad site within a unified development, one freestanding sign is permitted in addition to the other freestanding signs permitted by this chapter.

Source: Section 13-2-870; Ord. 990225-70; Ord. 031211-11.

Previous Postponed Variance cases:

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, 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).

4. C15-2025-0005 Maximiliano Martinez for Death and Taxes
2136 E 7th Street

On-Line Link: ITEM04 ADV PACKET; PRESENTATION

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

- Section 25-6-471 *(Off-Stret Parking) (B)* to reduce the minimum on-site accessible space from one (1) (required) to zero (0) (requested)

and

- Section 25-6-474 (Parking Facilities for Persons with Disabilities) (B) to reduce the minimum on-site accessible space from one (1) (required) to zero (0) (requested)

in order to remodel an existing restaurant in a "CS-CO-MU-NP", General Commercial Services-Conditional Overlay-Mixed Use-Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

Note: *Per Land Development Code:*

25-6-471 – OFF-STREET PARKING.
(A) Except as provided in Subsection (B), off-street motor vehicle parking is not required. This article shall govern over a conflicting provision of this title or other ordinance, unless the conflicting provision is less restrictive. This article applies to all uses and to specific regulating plans, Transit Oriented Development areas (TODs), and Neighborhood Conservation Combining Districts (NCCDs) that incorporate this chapter by reference. A planned unit development (PUD) that includes specific off-site parking requirements controls over this article.

(B) A minimum of one on-site accessible space is required. The minimum number of accessible spaces is calculated by taking 100 percent of the parking previously required for the use under Appendix A (Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements) and using that result to determine the number of accessible parking spaces required under the Building Code.
Source: Section 13-5-97(f), (g) and (i); Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. No. 20231102-028, Pt. 41, 11-13-23.

25-6-474 - PARKING FACILITIES FOR PERSONS WITH DISABILITIES.
(A) A site must have:
(1) a parking facility that is accessible to a person with disabilities;
(2) routes of travel that connect the accessible elements of the site; and
(3) the number of accessible parking spaces required by the Uniform Building Code that is based on a calculation that uses 100 percent of the parking spaces previously required for the use under Appendix A (Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements).

(B) A minimum of one on-site accessible space is required on an accessible route. If no driveway is provided, a minimum of one on-street or off-site accessible space is required on an accessible route per Subsection 25-6-471(D)(2). Sites that do not have dedicated motor vehicle parking spaces and no driveway access to, from, or through the site are exempt from providing on-site accessible spaces.

(C) A person may appeal the requirements of this section to the Board of Adjustment.

(D) A variance granted under Subsection (C) applies only to the use for which the variance was granted and does not run with the land on which the use is located.

(E) A variance granted under Subsection (C) must specify whether it includes bicycle parking and the amount of bicycle parking required. An applicant may also seek a waiver pursuant to Subsection (G) of Section 25-6-477 (Bicycle Parking) to waive bicycle parking.
Source: Section 13-5-101; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 20130523-104; Ord. No. 20231102-028, Pt. 42, 11-13-23; Ord. No. 20240201-035, Pt. 2, 2-12-24.

New Variance cases:

5. C15-2025-0010 Adam Stephens
801 West 29th Street

On-Line Link: ITEM05 ADV PACKET; PRESENTATION
The applicant is requesting a variance(s) from the Land Development Code, **Subchapter F: Residential Design and Compatibility Standards, Article 3: - Definitions and Measurement, Section 3.3** *(Gross Floor Area), 3.3.3* (B) to exclude a habitable portion of a building that is below grade if the habitable portion does not extend beyond the first story footprint (required) to a non-

habitable portion of a building that is below grade (requested), in order to complete a remodel/addition of an existing single family residence in an "LO-MU-CO-ETOD-DBETOD-NP", Limited Office - Mixed-Use – Conditional Overlay – Density Bonus Equitable Transit-Oriented Development - Neighborhood Plan zoning district (West University Neighborhood Plan).

NOTE: LDC 25-2 Land Development, Subchapter F Residential Design and Compatibility Standards, Article 3: - Definitions and Measurement, Section 3.3 Gross Floor Area
3.3.3.
Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

A. A ground floor porch, including a screened porch, provided that:
1. the porch is not accessible by automobile and is not connected to a driveway; and
2. the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

B. A habitable portion of a building that is below grade if:
1. The habitable portion does not extend beyond the first-story footprint and is:
a. Below natural or finished grade, whichever is lower; and
b. Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under Paragraph 1.a.
2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

C. A habitable portion of an attic, if:
1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;
5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
6. Fifty percent or more of the area has a ceiling height of seven feet or less.

6. C15-2025-0011 Robert Cheatham
2704 La Mesa Drive

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)* from setback requirements to decrease the front yard setback from 25 feet (required) to 22 feet (requested) in order to expand a front porch to a Single-Family Residence in a "SF-3-NP", Single-Family - Neighborhood Plan zoning district (Dawson Neighborhood Plan)

7. C15-2025-0012 Brendan McEntee for Dessau Lutheran Cemetery-Kent Saathoff
13300 Dessau Road

On-Line Link: ITEM07 ADV PACKET; PRESENTATION
The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 *(Site Development Regulations)* from:
- Lot size requirements from 10 acres (required) to two tracts consisting of 2.62 acres and 1.233 acres (requested)

and

- Lot width to decrease from 100 feet (required) to two tracts each at 15 feet (requested)

in order to subdivide three existing lots into two proposed lots in a "DR-H", Development Reserve-Historic Landmark zoning district.

8. C15-2025-0013 Donna Carter for Lynn Sherman
3505 Greenway Street

On-Line Link: ITEM08 ADV PACKET PART1, PART2; 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 front yard setback from 25 feet (required) to 23 feet (requested)

and

- impervious coverage requirements to increase I.C. from 45% (maximum allowed) to 54.5% (requested)

in order to remodel, maintain and add an addition to an existing 2 story Single-Family residence in a "SF-2-CO-NP", Single-Family-Combined Overlay-Neighborhood Plan zoning district (Hancock Neighborhood Plan).

9. C15-2025-0014 Greg Ulcak for City of Austin-Austin Energy (Brandy Teague)
1111 West Slaughter Lane

On-Line Link: ITEM09 ADV PACKET; PRESENTATION; AE REPORT
The applicant is requesting the following variance(s) from the Land Development Code, Section 25-2-899 (*Fences as Accessory Uses*) to increase the height from eight (8) feet (maximum allowed) to twelve (12) feet (requested), in order to erect a solid wall fence between residential and Austin Energy Substation property line in a "P", Public zoning district.

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.

10. C15-2025-0015 Richard Weiss for Kayo Asazu
4705 Rowena Avenue

On-Line Link: ITEM10 ADV PACKET; PRESENTATION
The applicant is requesting a variance(s) from the North Hyde Park NCCD Ord. #20050818-064, PART 7 *(Residential District)* (4) from:
lot size requirements to decrease the minimum lot size from 7,000 square feet (required) to 6,038 square feet (requested) in order to allow a Two-Family residential use in an "SF-3-NCCD-NP", Single-Family Residence-Neighborhood Conservation Combining District Neighborhood Plan zoning district. (North Hyde Park NCCD Neighborhood Plan).

Note: *Ordinance No. 20050818-064 Part 7 (Residential District) (4) A Two-Family Residential use or Duplex use is permitted on a lot that is 7,000 square feet or larger.*

11. C15-2025-0016 Linda Sullivan for Elizabeth & Jay Walker
3405 Mountain Top Circle

On-Line Link: ITEM11 ADV PACKET; NO PRESENTATION

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 *(Site Development Regulations)* from impervious coverage requirements to increase I.C. from 45% (maximum allowed) to 47.9% (requested) (50.1% existing), in order to remodel and add an addition to an existing 1 story Single-Family residence in a "SF-3", Single-Family zoning district.

DISCUSSION ITEMS

12. Discussion of the April 14, 2025, Board of Adjustment activity report
On-Line Link: ITEM12 APRIL14, 2025-MONTHLY REPORT

DISCUSSION AND POSSIBLE ACTION ITEMS

13. Discussion and possible action regarding election of officers.

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