REGULAR MEETING of the BOARD OF ADJUSTMENT
October 13, 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*
___*Haseeb Abdullah*
___*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 meetings on September 8, 2025.
   On-Line Link: **Draft Minutes for September 8, 2025**

PUBLIC HEARINGS

Discussion and action on the following cases.

New Interpretation case:

2. C15-2025-0035 Bob Kaler and Carol Journeay (Appellant)
   Kateryna Luschchenko (Owner)
   205 E. 34th Street

On-Line Link: **ITEM02 APPELLANT-ADV PACKET PART1, APPELLANT-PART2, ITEM02 PERMIT HOLDER- ADV PACKET, ITEM02 STAFF REPORT, APPELLANT PRESENTATION, PERMIT HOLDER PRESENTATION PART1, PART2, PART3, PART4**

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 34th 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.

New Variance cases:

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

On-Line Link: ITEM03 ADV PACKET PART1, PART2, 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.

Previous Postponed Sign cases:

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

On-Line Link: ITEM04 ADV PACKET PART1, PART2, PART3,
NO 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.

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.

Previous Postponed cases:

5. C15-2025-0026 Stephen Hawkins for Red Bud Partners, LP
1750 Channel Road

On-Line Link: ITEM05 ADV PACKET PART1, PART2, 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.

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

On-Line Link: ITEM06 ADV PACKET PART1, PART2, 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.

DISCUSSION ITEMS

7. Discussion of the September 8, 2025, Board of Adjustment activity report
On-Line Link: ITEM07 September 8, 2025-MONTHLY REPORT

DISCUSSION AND ACTION ITEMS

8. Discussion and possible action for adopting meeting dates for Jan. 2026-Dec. 2026
On-Line Link: Item 8

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