REGULAR MEETING OF THE BOARD OF ADJUSTMENT
MONDAY, April 13, 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:

___Jessica Cohen (Chair)
___Melissa Hawthorne (Vice-Chair)
___Haseeb Abdullah
___Thomas Ates
___Sameer S Birring
___ Jeffery Bowen
___ Yung-ju Kim
___Bianca A Medina-Leal
___Brian Poteet
___Margaret Shahrestani
___Michael Von Ohlen
___Corry L Archer-Mcclellan (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 March 9, 2026
   On-Line Link: March 9, 2026 draft minutes

PUBLIC HEARINGS

Discussion and action on the following cases

Previous Postponed cases:

2. C15-2026-0003 Luke Caraway for Yair Cohen Hoshen
8506 & 8507 Walhill Cove

On-Line Link: ITEM02 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 interior yard setback from five feet (5 ft) (required) to one foot (1ft) (requested) in order to complete two residential structures in a "SF-3", Single-Family zoning district.

3. C15-2026-0006 Cole Stewart
4301 Manzanillo Drive

On-Line Link: ITEM03 ADV PACKET PART1, PART2, PART3; PRESENTATION
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 six feet (6 ft) (maximum allowed) to eight feet (8 ft.) (requested) along rear property line (southeast) and street side yard property line (northeast), in order to erect a fence in a "SF-2", Single-Family 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.

New sign case:

4. C16-2026-0003 Richard T Suttle, Jr. for Joseph G. Doran
321, 311, 323, 325, 327 W 6th Street

On-Line Link: ITEM04 ADV PACKET ; PRESENTATION
The applicant is requesting the following variance(s) from the Land Development Code, Section 25-10-191 *(Sign Setback Requirements)*

- (F) to decrease the setback from street right-of-way of twelve feet (12 ft.) (minimum allowed) to two feet six inches (2 ft. 6 in.) (requested)
- (F) (1) to increase height of thirty inches (30 in.) (maximum allowed) to five feet ten inches (5 ft. 10 in.) (requested)
- (F) (2) to decrease clearance of at least nine feet (9 ft.) (minimum allowed) to zero feet (0 ft.) (requested)

in order to erect a Freestanding sign for an office building in a "CBD", Central Business zoning district.

Note:** Land Development Code, **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. C15-2026-0001 Samantha Riddell for John Lohr
2205 Quarry Road

On-Line Link: ITEM05 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 interior yard setback from 5 feet (required) to 2 ft 3 in (requested) in order to rebuild a Detached Garage in a "SF-3NP", Single-Family Neighborhood Plan (West Austin Neighborhood Group) zoning district.

6. C15-2026-0009 Wylder Conoly for Mehtaab Brar, Brar Properties
9419 E Parmer Lane

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 interior side yard setback (southeastern property line) from twenty-five feet (25 ft) (required) to fifteen feet (15 ft) (requested) in order to erect a Tim Horton's restaurant with drive-thru service in a "CH-CO", Commercial Highway Services-Conditional Overlay zoning district.

7. C15-2026-0010 David Anderson for Mark A Macaulay
4219 & 4201 S 1st Street

On-Line Link: ITEM07 ADV PACKET; PRESENTATION
The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-814 *(Service Station Use)* (3) to increase queue lanes from eight [8] vehicle queue lanes to twelve [12] vehicle queue lanes (requested) in order to erect a Service Station in a "CS-MU-NP " Commercial Services-Mixed Use Neighborhood Plan (West Congress) zoning district.

Note: *25-2-814 - SERVICE STATION USE.*
A service station use:
(1) must be screened from the street by a building or a landscape buffer that includes shade trees;
(2) may not have more than 16 fuel dispensers; and
(3) may not have more than eight vehicle queue lanes.
Source: Ord. 20060831-068; Ord. 20110804-008.

Reconsideration Interpretation case:

8. C15-2026-0005 Peter Journeay-Kaler – Appellant
JBD CR Holding, LLC (Leonid Murashkovskiy - Owner
205 E 34th Street

On-Line Link: APPELLANT- ITEM08 ADV PACKET PART1, PART2, PART3; PERMIT HOLDER- ITEM08 ADV PACKET PART1, PART2; STAFF REPORT; IN OPPOSITION; IN SUPPORT; PRESENTATION-APPELLANT; PRESENTATION-PERMIT HOLDER
The appellant has filed an appeal challenging determinations by City staff in connection with approval of a building permit (Permit No. 2025-140201 PR) 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 and related construction plans failed to comply with: (1) applicable zoning regulations, including requirements of the North University Neighborhood Conservation-Neighborhood Plan (NCCD-NP) Combining District (Ordinance No. 040826-58) and/or City Code Chapter 25-2, related to maximum allowable Floor-Area Ratio (FAR); (2) requirements of the International Residential Code (IRC) related to bedroom count, occupancy classification, visitability, and stair tread depth requirements; (3) International Fire Code (IFC) requirements related to minimum required access for fire apparatus; and (4) City Code Section 25-1-82 related to completeness requirements for development applications.

EXECUTIVE SESSION

The Board of Adjustment may announce it will go into Executive Session pursuant to Chapter 551.071 of the Texas Government Code to receive advice from legal counsel.

9. Discuss the request to reconsider Case No. C15-2026 0035 and the appeal by Peter Journeay-Kaler (appellant) and other legal questions relevant to the appeal where the appellant is challenging the approval of a building permit (2025-140201 PR) and related

construction plans for proposed development of a three-unit residential use at 205 East 34th Street, Austin, TX 78705 which is owned by JBD CR HOLDING, LLC.

DISCUSSION ITEMS

10. March 9, 2026, Board of Adjustment activity report
On-Line Link: ITEM09 March 9, 2026-MONTHLY REPORT

11. 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

12. Conduct officer elections for the Chair and Vice Chair

13. Approval of changes to BOA rules and procedures to limit time for registered speakers

14. Approval of executive sessions on the agenda in advance with specifics

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