REGULAR MEETING OF THE BOARD OF ADJUSTMENT
MONDAY, May 11, 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:

___Jeffery Bowen (Chair)
___Margaret Shahrestani (Vice-Chair)
___Haseeb Abdullah
___Thomas Ates
___Sameer S Birring
___ Jessica Cohen
___ Melissa Hawthorne
___Yung-ju Kim
___Blanca A Medina-Leal
___Brian Poteet
___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 April 13, 2026
   On-Line Link: April 13, 2026 draft minutes

PUBLIC HEARINGS

Discussion and action on the following cases

New sign case:

2. C16-2026-0005 Jim Wittliff for Alvin Momin
5001 Nuckols Crossing Road

On-Line Link: ITEM02 ADV PACKET ; NO PRESENTATION
The applicant is requesting a sign variance(s) from the Land Development Code, Section 25-10-128 *(Neighborhood Commercial Sign District Regulations (B)* to allow from one (1) freestanding sign (maximum allowed), to adding one (1) additional freestanding sign (total of two (2)), in order to erect free-standing sign(s) for shopping center tenants in a Commercial Sign District, in a "LR-CO-NP", Neighborhood Commercial – Combined Overlay – Neighborhood Plan zoning district (Southeast Combined Neighborhood).

Note: *The Land Development Code sign regulations 25-10-128 Neighborhood Commercial Sign District Regulations*
(A) This section applies to a neighborhood commercial sign district.
(B) One freestanding sign is permitted on a lot.
(C) Wall signs are permitted.
(D) One flag for each curb cut is permitted.
(E) This subsection prescribes the maximum sign area.
(1) For a freestanding sign, the total sign area for a lot may not exceed the lesser of:
(a) 0.3 square feet for each linear foot of street frontage; or
(b) 100 square feet.
(2) For signs other than freestanding signs, the sign area may not exceed 10 percent of the façade area of the first 15 feet of building height.
(F) The sign height may not exceed the greater of:
(1) 20 feet above frontage street pavement grade; or
(2) six feet above grade at the base of the sign.
Source: Sections 13-2-867; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. No. 20170817-072, Pt. 12, 8-28-17.

New variance cases:

3. C15-2026-0013 Mike Mchone for CJ + BP 2713 Hemphill, LLC
2713 Hemphill Park

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)* **and** North University Neighborhood Association NCCD Ord. No. 040826-58, PART 7 *(Residential District)(1)* from:
- lot size requirements to decrease minimum lot size from 8,000 square feet (required) to 7,771.41 square feet (requested)
- setback requirements for a front yard setback from 15 feet (required) to 5 feet (requested)

and
- from North University Neighborhood Association NCCD Ord. No. 040826-58 **PART 6** (7) Parking (g) to reduce on-site parking from 24 parking spaces (required) to 14 parking spaces (requested)

in order to erect a Multi-family residential use in an "MF-5-NCCD-ETOD-DBETOD-NP", Multi-Family -Neighborhood Conservation Combining District-Equitable Transit-Oriented Development-Density Bonus ETOD- Neighborhood Plan zoning district. (NUNA NCCD Neighborhood Plan).

Note: ***North University Neighborhood Association NCCD Ordinance No. 040826-58***
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.*
7. Parking

a. Except as otherwise provided in this section, a parking space for a residential use may not be located in a street side yard.
b. The maximum number of parking spaces in all street yards on a site is two.
c. Pavement for a parking space in a front yard may not be located in front of a principal structure.
d. Except for a single-family or two-family residential use, excess parking is prohibited.
e. This subsection applies to an existing single-family, duplex, or two-family residential. If 400 square feet or more are added to the conditioned gross building floor area, the use must comply with current parking regulations. This includes conversion of accessory space to habitable space.
f. A person may not reduce existing parking spaces to a number less than the number of spaces prescribed in the City Code for the present use nor may a person reallocate existing parking spaces to a new use unless the prior use is terminated or reduced in size.
g. For multi-family use, a parking space must be provided for each bedroom in a dwelling unit.
h. For tandem parking, only one car may be parked behind one other. This provision includes a car parked in a garage or open parking area.
i. The following provision applies to required parking spaces.
1) For a single-family residential use, tandem parking is permitted.
2) For a multi-family use, tandem parking is permitted if both spaces are assigned to the same unit.
3) For a duplex or two-family residential use, tandem parking is permitted if the use is less than 2,500 square feet.
j. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
k. The parking requirements in Title 25 and this ordinance apply to a two-family or duplex residential use that is converted from a single-family use.

4. C15-2026-0014 Dillon Tuttle for Roger Plourde
2727 Exposition Boulevard

On-Line Link: ITEM04 ADV PACKET PART1, PART2 ; PRESENTATION
The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 *Site Development Regulations) (D)* from setback requirements for a front setback of 10 feet (required) to 3 feet (requested) in order to erect a raised wooden deck for ZED'S Ice Cream in a "CS-NP", General Commercial Services-Neighborhood Plan zoning district. (WANG Neighborhood Plan).

5. C15-2026-0017 Mike McHone for Brian Copland
57 N IH35 Service Road NB

On-Line Link: ITEM05 ADV PACKET ; PRESENTATION
The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-779 *(Small Lot Single-Family use)* from:
- *(F) (1)* lot size requirements to decrease minimum lot size from 1,800 square feet (required) to 1,493 square feet (requested)
- (F) (4) (c) (i) from setback requirements for a front yard setback from 10 feet (required) to 5 feet (requested)

and

- Land Development Code, Section 25-2-735 *(Festival Beach Subdistrict Regulations) (D)(1)* from Impervious Coverage requirements to increase from 40% (maximum allowed) to 60% (requested)

in order to erect a Single-Family residence in an "GR-MU-CO-NP", Community Commercial- Mixed-use-Combined Overlay- Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan).

***Note:* 25-2-779 SMALL LOT SINGLE-FAMILY RESIDENTIAL USE.**
(A) This section applies to a small lot single-family residential use.
(B) This section supersedes the base zoning district regulations to the extent of conflict.
(C) Only one dwelling unit is permitted on a lot.
(D) This subsection applies to small lot single-family residential use on a property zoned single-family residence small lot (SF-4A) district or less restrictive.

(1) The minimum lot size is:

(a) 3,600 square feet; or

(b) for a corner lot, 4,500 square feet.

(2) A lot that fronts on a cul-de-sac must have:

(a) a chord width of not less than 33 feet at the front lot line;

(b) a width of not less than 40 feet at the front yard setback line; and

(c) a width of not less than 40 feet at all points 50 feet or more behind the front lot line.

(3) The maximum height for a structure is 35 feet.

(4) The minimum front yard setback is 15 feet.

(5) The minimum street side yard setback is 10 feet.

(6) The minimum interior side yard setback is three and one-half feet, except:

(a) an interior side yard setback is not required if the interior side yard is adjacent to property zoned single-family residence small lot (SF-4A) district; and

(b) the combined width of the interior side yards of a lot may not be less than seven feet.

(7) The minimum rear yard setback is five feet, excluding easements.

(8) The minimum setback between a rear access easement and a building or fence is 10 feet.

(9) The maximum building coverage is 55 percent.

(10) The maximum impervious cover is 65 percent.

(11) A small lot single-family residential use must comply with the requirements of Section 25-4-232 (Small Lot Subdivisions).

(E) Subsections (F) through (M) apply to small lot single-family residential use on property zoned family residence (SF-3) district or more restrictive.

(F) Lot Standards.

(1) A lot must be at least 1,800 square feet but less than 5,750 square feet.

(2) Lot Width.

(a) Except for a flag lot, a lot must be at least 15 feet wide.

(b) Except for the portion of a flag lot that provides street access, a flag lot must be at least 20 feet wide.

(3) A flag lot must comply with Section 25-4-177 (Flag Lots).

(4) Except as provided in Subdivisions (5) and (6), the following setbacks apply:

(a) The minimum street side yard setback:

(i) 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

(ii) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line.

(b) The minimum side yard setback is:

(i) five feet;

(ii) zero feet if adjacent to the portion of a flag lot that provides street access; or

(iii) zero feet for a side lot line that is shared with a lot that was subdivided to less than 5,750 square feet and was approved on or after August 16, 2024.

(c) The minimum front yard setback is:

(i) 10 feet; or

(ii) five feet if the lot is a flag lot;

(iii) zero feet if the lot is a flag lot and the front lot line is shared with a lot that is shared with a lot that was subdivided to less than 5,750 square feet on or after August 16, 2024.

(d) The minimum rear yard setback is:

(i) five feet; or

(ii) zero feet for a rear lot line that is shared with a lot that was subdivided to less than 5,750 square on or after August 16, 2024.

(5) Except for a street side yard setback, when an attached dwelling unit abuts a property line, the minimum setback for that property line is zero.

(6) Projections into Required Yards.

(a) A windowsill, belt course, cornice, flue, chimney, eave, awning, box window, or cantilevered bay window may project two feet into a required yard. The two-foot limitation does not apply to a feature required for a passive energy design.

(b) A one-story uncovered porch, stoop, or steps may project three feet into a required yard.

(G) Building cover limits do not apply to a property zoned family residence (SF-3) district or more restrictive.

(H) Impervious Cover.

(1) The maximum impervious cover is the maximum allowed in the base zoning district regulations.

(2) Except for a flag lot, the maximum front yard impervious cover for driveways and parking areas is 50 percent.

(I) Subchapter F (Residential Design and Compatibility Standards) does not apply to a property zoned family residence (SF-3) district or more restrictive except as provided in Subsection (J).

(J) Gross Floor Area.

(1) This subsection applies to a property located within the area described in Subsection 1.2.1 of Subchapter F (Residential Design and Compatibility Standards).

(2) 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.

(3) The gross floor area may not exceed the greater of 1,650 square feet or a floor-to-area ratio of 0.55.

(4) The maximum unit size is 2,300 square feet.

(K) Design Standards.

(1) This subsection does not apply to a flag lot.

(2) The minimum number of street-facing entrances is one.

(3) Garage Placement

(a) In this subsection,

(i) BUILDING FACADE means the front-facing exterior wall or walls of the first floor of the residential structure closest to the primary street, and the term excludes the building facade of the portion of that structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building facade.

(ii) PARKING STRUCTURE means an attached or detached garage or carport.

(b) A parking structure may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade.

(c) If a parking structure with an entrance that faces a front-yard abutting public right-of-way is less than 5 feet behind the building facade, the width of the parking structure may not exceed the width of the building facade as measured parallel to the front lot line.

(L) Access Requirements for Driveways.

(1) For lot widths less than 20 feet, the site may only take vehicular access off an improved alley or from a side street.

(2) For lot widths 20 feet or greater but less than 30 feet, the site may only take vehicular access off of an improved alley, from a side street, or through a joint-use driveway with adjoining lots.

(3) For lot widths of 30 feet or greater, the site may take vehicular access off of an improved alley, through a joint-use driveway with adjoining lots, or by individual driveway.

(M) Reserved.

Source: Ord. 041118-57; Ord. No. 20240516-006, Pt. 5, 5-27-24; Ord. No. 20250227-039, Pt. 2, 10-1-25.

25-2-735 FESTIVAL BEACH SUBDISTRICT REGULATIONS.

(A) This section applies in the Festival Beach subdistrict of the WO combining district.

(B) The primary setback line is located 100 feet landward from the Town Lake shoreline.

(C) The secondary setback line is located 50 feet landward from the primary setback line.

(D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is:

(1) 40 percent; or

(2) 70 percent, for a site that:

(a) contains congregate care and retail uses on 15 or more acres;

(b) is adjacent to 1.5 or more acres of parkland or publically accessible open space;

(c) includes, within the congregate care use, at least:

(i) 310 rental housing units that serve residents earning at or below 60% of area median family income;

(ii) 40 rental housing units that serve residents earning at or below 30% of area median family income; and

(iii) 100 rental housing units that serve residents which are either:

• earning at or below 30% of the area median family income and receiving a rent subsidy; or

• earning at or below 50% of area median family income, without a rent subsidy, or with a rent subsidy that is required to be available under federal law to residents earning up to 50% of area median family income.

(d) contains the following enhanced water quality features:

(i) water quality treatment utilizing green water quality controls sized at ½-inch or greater, based on assumed impervious cover of 68%;

(ii) at least 30,000 square feet of porous pavement for pedestrian areas;

(iii) at least 8,126 cubic feet of rainwater harvesting sufficient to capture 1.3 inches of runoff from 75,000 square feet of impervious cover; and

(iv) on-site water quality ponds sufficient to treat a minimum of 6,200 cubic feet of off-site drainage.

(E) For purposes of Subsection (D)(2) of this section, the term "rent subsidy" means a project-based voucher issued by, or under the auspices of, an agency of the United States Government that provides a rental subsidy to the landlord for

a particular rental housing unit in an amount equal to or exceeding the difference between 30% of the resident's income and the market rate for the residential housing unit.

(F) If an applicant elects to develop a site at greater than 40% impervious cover, as authorized under Subsection (D)(2) of this section, a restrictive covenant or other legal instrument approved by the director must be executed prior to site plan release in order to ensure that the conditions in Subsection (D)(2)(a)—(d) are binding on the site plan and enforceable by the City.

(G) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(e); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074; Ord. No. 20160623-101, Pt. 1, 7-4-16.

Reconsideration case:

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

On-Line Link: ITEM06 ADV PACKET; PRESENTATION-PERMIT HOLDER
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.

DISCUSSION ITEMS

7. April 13, 2026, Board of Adjustment activity report
On-Line Link: ITEM07 April 13, 2026-MONTHLY REPORT

8. 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.

9. Discussion on executive session approval process and the need to be posted on the agenda in advance with specifics

DISCUSSION AND ACTION ITEMS

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

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