



REGULAR MEETING of the BOARD OF ADJUSTMENT
May 8, 2023 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:

___ <i>Thomas Ates</i>	___ <i>Richard Smith</i>
___ <i>Jessica Cohen (Chair)</i>	___ <i>Janel Venzant</i>
___ <i>Melissa Hawthorne (Vice-Chair)</i>	___ <i>Michael Von Ohlen</i>
___ <i>Brian Poteet</i>	___ <i>Nicholl Wade</i>
___ <i>Agustina Rodriguez</i>	___ <i>Kelly Blume (Alternate)</i>
___ <i>Margaret Shahrestani</i>	___ <i>Marcel Gutierrez-Garza (Alternate)</i>
	___ <i>Carrie Waller (Alternate)</i>

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 April 10, 2023.
On-Line Link: [DRAFT MINUTES April 10, 2023](#)

PUBLIC HEARINGS

2. Discussion of staff and applicant requests for postponement and withdrawal of public hearing cases posted on the agenda.

New Variance cases:

3. C15-2023-0024 Micah King for Thomas Neal Hull
1502 Hillmont Street

On-Line Link: [Item 3 ADV PACKET](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Subchapter F: Residential Design and Compatibility Standards, Article 2, Development Standards:

a) Section 2.2 (*Building Height*) (A) to increase the height from 32 feet (maximum allowed) to 37 feet (requested)

and

b) Section 2.6 (*Setback Planes*) (B. *Rear Setback Plane*) to extend outside the inwardly sloping 45-degree angle (required) by an additional 3 feet 10 inches (requested) in order to erect a Single-Family residence in an “SF-3”, Single-Family zoning district

Note: 25-2 Subchapter F RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS, Article 2 Development Standards,

Section 2.2. – Building Height.

Except where these regulations superseded, the maximum building height for development subject to this Subchapter is:

(A) 32 feet for development located outside the 100-year floodplain; and

(B) 35 feet for development located in the 100-year floodplain.

Section 2.6. – Setback Planes.

This subsection prescribes side and rear setback planes in order to minimize the impact of a new development and rear development on adjacent properties. A structure may not extend beyond a setback plane except as authorized by subsection D. below. The height of a setback plane shall be measured under the requirements defined in [Section 3.4](#).

B. Rear Setback Plane. *Except as provided in subsection D, an inwardly sloping 45-degree angle rear setback plane begins at a horizontal line directly above the rear property line at the same elevation as the horizontal line for the last portion of the side setback plane established in paragraph A.3.*

DISCUSSION ITEMS

4. Discussion of the April 10, 2023 BOA activity report

On-Line Link: [Item-4 MONTHLY REPORT](#)

5. Discussion regarding future training for board members
6. Discussion regarding Senate Bill 491
On-Line Link: [Item-6](#)
7. Discussion regarding House Bill on minimum lot size

DISCUSSION AND ACTION ITEMS

8. Discussion and possible action regarding working group for BOA Rules of Procedure and Bylaws
9. Discussion and possible action regarding an update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).
On Line Link: [Item9 UPDATE1](#)- <https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045>; [ITEM 9 UPDATE2](#); [ITEM 9 UPDATE3](#)
10. Discussion and possible action by the Board based on the Working Group update on proposed changes to BOA Appeals. (Working group: Barbara Mcarthur, Darryl Pruett and Kelly Blume)
On-Line Link: [Item 10](#)
11. Discussion and possible action regarding Board vacancies
12. Discussion and possible action to amend the BOA Rules of Procedure or Bylaws.
13. Discussion and possible action on lawsuits resulting from BOA determinations.

FUTURE AGENDA ITEMS

14. Discussion of future agenda items, staff requests and potential special called meeting and/or workshop requests

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](tel:512-974-2202)/elaine.ramirez@austintexas.gov