



REGULAR MEETING of the BOARD OF ADJUSTMENT
June 12, 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:

___Thomas Ates	___Richard Smith
___Jessica Cohen (Chair)	___Janel Venzant
___Melissa Hawthorne (Vice-Chair))	___Michael Von Ohlen
___Brian Poteet	___Nicholl Wade
___Agustina Rodriguez	___Kelly Blume (Alternate)
___Margaret Shahrestani	___Marcel Gutierrez-Garza (Alternate)
	___Carrie Waller (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 Regular meeting on May 8, 2023.
On-Line Link: [DRAFT MINUTES May 8, 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. C15-2023-0023 Richard Mathias for Tom Blank
1205 Bickler Road

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*) from setback requirements to decrease the minimum interior side yard setback from 5 feet (required) to 0 feet (requested), in order to attach a Carport in a “SF-3-NCCD-NP”, Single-Family - Neighborhood Conservation Combining District - Neighborhood Plan zoning district (South River City Neighborhood Plan; Fairview Park Subdistrict)

4. C15-2023-0025 Charles Dunigan for Paul Le
6506 Hergotz Lane

On-Line Link: [Item04 ADV PACKET](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code: Section 25-2-943 (*Substandard Lot*)

a) (B) (2) (a) to decrease the minimum Lot Size requirements from 5,750 square feet (required) to 4,177 square feet (requested)

and

b) (B) (2) (b) to decrease the minimum Lot Width requirements from 50 feet (required) to 44 feet (requested), in order to erect a Single-Family residence in a “SF-3-NP”, Single-Family zoning district.

Note: 25-2-943 SUBSTANDARD LOT

(B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.

(2) A substandard lot recorded in the county real property records after March 14, 1946 must:

(a) have an area of not less than 5,750 square feet; and

(b) be not less than 50 feet wide at the street or at the building line.

5. C15-2023-0026 Perry Hunt for Bilal Khan
15 Margranita Crescent

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 2, Development Standards Section 2.1 (*Maximum Development Permitted*) to increase the F.A.R from 40% (required) to 42.61% (requested), in order to enclose the tandem carport and create a tandem garage to an existing single family residence in an “SF-3-NP”, Single-Family-Neighborhood Plan zoning district (WANG Neighborhood Plan)

6. C15-2023-0027 JP Sullivan for Mayo C. Cuellar
1305 S 6th Street

On-Line Link: [Item06 ADV PACKET PART1](#); [PART2](#); [PRESENTATION](#)

The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required) to 47 feet (requested), in order to subdivide a residential lot in a SF-3-NP”, Single-Family-Neighborhood Plan zoning district (Bouldin Creek Neighborhood Plan).

Previous Postponement Variance cases

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

On-Line Link: [Item07 ADV PACKET PART1](#); [PART2](#); [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

8. Discussion of the May 8, 2023 BOA activity report
On-Line Link: [Item08 MONTHLY REPORT](#)
9. Discussion regarding future training for board members
10. Discussion regarding Senate Bill 491
On-Line Link: [Item10](#)
11. Discussion regarding House Bill 3921 on minimum lot size and Senate Bill 1787

DISCUSSION AND ACTION ITEMS

12. Discussion and possible action regarding working group for BOA Rules of Procedure and Bylaws
13. Discussion and possible action regarding an update on the resolution sent to council for the BOA Applicant Assistance Program (BAAP).
On Line Link: [Item13 UPDATE1](#)- <https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045>; [Item13 UPDATE2](#); [Item13 UPDATE3](#)
[BOA Assistance Program Ord](#); [BOA Program guidelines \(updated\)](#)
14. 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: [Item14](#)
15. Discussion and possible action regarding Board vacancies

16. Discussion and possible action to amend the BOA Rules of Procedure or Bylaws.
17. Discussion and possible action on lawsuits resulting from BOA determinations.

FUTURE AGENDA ITEMS

18. 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