



**BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
MONDAY, May 8, 2023**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, May 8, 2023, at 301 West 2nd Street in Austin, Texas.

Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:39 p.m.

Board Members/Commissioners in Attendance in-Person:

Jessica Cohen-Chair, Melissa Hawthorne-Vice Chair, Margaret Shahrestani, Marcel-Gutierrez-Garza (Alternate), New board member Brian Potet

Board Members/Commissioners in Attendance Remotely:

Thomas Ates, Richard Smith, Janel Venzant, Nicholl Wade, Kelly Blume (Alternate),

Board Member/Commissioners absent:

Michael Von Ohlen, Agustina Rodriguez

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.

None

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](#)

Vice-Chair Melissa Hawthorne motions to approve the minutes for April 10, 2023, Board member Margaret Shahrestani seconds on 8-0-2 votes (Board member Nicholl Wade and Marcel Gutierrez-Garza abstains); APPROVED MINUTES FOR April 10, 2023.

PUBLIC HEARINGS

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

None

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Except where these regulations superseded, the maximum building height for development subject to this Subchapter is: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

The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to postpone to June 12, 2023; Madam Chair Jessica Cohen seconds on 10-0 votes; POSTPONED TO JUNE 12, 2023.

DISCUSSION ITEMS

4. Discussion of the April 10, 2023 BOA activity report
On-Line Link: [Item-4 MONTHLY REPORT](#)
CONTINUED TO June 12, 2023
5. Discussion regarding future training for board members
CONTINUED TO June 12, 2023 (possible training in July 10, 2023 meeting-pending)
6. Discussion regarding Senate Bill 491
On-Line Link: [Item-6](#)
CONTINUED TO June 12, 2023
7. Discussion regarding House Bill 3921 on minimum lot size and Senate Bill 1787
CONTINUED TO June 12, 2023

DISCUSSION AND ACTION ITEMS

8. Discussion and possible action regarding working group for BOA Rules of Procedure and Bylaws
CONTINUED TO June 12, 2023
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](https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045); [ITEM 9 UPDATE2](#); [ITEM 9 UPDATE3](#)
CONTINUED TO June 12, 2023
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](#)
CONTINUED TO June 12, 2023
11. Discussion and possible action regarding Board vacancies
Discussed; Attorney Erika Lopes provided a brief summary regarding Board vacancies (see video below Item11)
<https://austintx.new.swagit.com/videos/228525>
12. Discussion and possible action to amend the BOA Rules of Procedure or Bylaws
CONTINUED TO June 12, 2023
13. Discussion and possible action on lawsuits resulting from BOA determinations.
CONTINUED TO June 12, 2023

FUTURE AGENDA ITEMS

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

ADJOURNMENT 7PM

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.ramire@austintexas.gov](https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045)

The minutes were approved at the June 12, 2023 meeting on Board member Brian Poteet motion, Board member Richard Smith second on an 8-1 (Board member Michael Von Ohlen abstains).