



**BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
MONDAY, June 12, 2023**

The **BOARD OF ADJUSTMENT** convened in a Regular meeting on Monday, June 12, 2023, at 301 West 2<sup>nd</sup> Street in Austin, Texas.

**Chair Jessica Cohen called the Board of Adjustment Meeting to order at 5:43 p.m.**

**Board Members/Commissioners in Attendance in-Person:**

Jessica Cohen-Chair, Janel Venzant, Brian Poteet, Margaret Shahrestani, Michael Von Ohlen, Marcel-Gutierrez-Garza (Alternate),

**Board Members/Commissioners in Attendance Remotely:**

Thomas Ates, Richard Smith, Kelly Blume (Alternate)

**Board Member/Commissioners absent:**

Melissa Hawthorne-Vice Chair, Agustina Rodriguez and Nicholl Wade (no show)

**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 May 8, 2023.

**On-Line Link: [DRAFT MINUTES May 8, 2023](#)**

**Board member Brian Poteet motions to approve the minutes for May 8, 2023, Board member Richard Smith seconds on 8-1 votes (Board member Michael Von Ohlen abstains); APPROVED MINUTES FOR May 8, 2023.**

**PUBLIC HEARINGS**

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

**Item 3, Item 4, Item 5 and Item 6 – Postponed to July 10, 2023 due to notification error**

**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)

**POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR**

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.*

**POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR**

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)

**POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR**

6. C15-2023-0027 JP Sullivan for Mayo C. Cuellar  
1305 S 6<sup>th</sup> 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).  
**POSTPONED TO JULY 10, 2023 DUE TO NOTIFICATION ERROR**

### 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.*

**The public hearing was closed by Madam Chair Jessica Cohen, Board member Michael Von Ohlen motions to approve the original variance request; Margaret Shahrestani seconds on -8-1 votes (Board member Kelly Blume nay); GRANTED.**

### DISCUSSION ITEMS

8. Discussion of the May 8, 2023 BOA activity report  
**On-Line Link: [Item08 MONTHLY REPORT](#)**  
**CONTINUED TO July 10, 2023**
9. Discussion regarding future training for board members  
**CONTINUED TO July 10, 2023; board members are requesting training in August - Pending**
10. Discussion regarding Senate Bill 491  
**On-Line Link: [Item10](#)**  
**DISCUSSED PREVIOUS MEETING (item to be removed)**

11. Discussion regarding House Bill 3921 on minimum lot size and Senate Bill 1787  
**DISCUSSED PREVIOUS MEETING (item to be removed)**

### **DISCUSSION AND ACTION ITEMS**

12. Discussion and possible action regarding working group for BOA Rules of Procedure and Bylaws  
**CONTINUED TO July 10, 2023 (create a working group)**
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](https://www.austintexas.gov/department/city-council/2021/20211014-reg.htm#045); [Item13 UPDATE2](#); [Item13 UPDATE3](#)  
[BOA Assistance Program Ord](#); [BOA Program guidelines \(updated\)](#)  
**DISCUSSED (item to be removed)****
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](#)  
CONTINUED TO July 10, 2023**
15. Discussion and possible action regarding Board vacancies  
**DISCUSSED (item to be removed)**
16. Discussion and possible action to amend the BOA Rules of Procedure or Bylaws.  
**Madam Chair Jessica Cohen motions to remove the amendment voted on April 10, 2023 from the Rules of Procedures (which amended the Rules of Procedure to allow alternates to serve even if there is true vacancy); Michael Von Ohlen seconds, vote of affirmation (no objections). (item to be removed)**
17. Discussion and possible action on lawsuits resulting from BOA determinations.  
**DISCUSSED; THE LAW DEPARTMENT WILL INFORM THE BOARD IF THERE WAS A CASE FILED AGAINST THE BOARD'S DECISIONS, LAW DEPARTMENT WILL BE IN CONTACT WITH THE BOARD DURING THE PROCESS OF LITIGATION. (item to be removed)**

### **FUTURE AGENDA ITEMS**

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

### **ADJOURNMENT 6:41 PM**

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](mailto:elaine.ramirez@austintexas.gov) or the Board Secretary Diana Ramirez, Development Services Department at 512-974-2241 or email [diana.ramirez@austintexas.gov](mailto: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.ramire@austintexas.gov](mailto:elaine.ramire@austintexas.gov)