REGULAR MEETING of the BOARD OF ADJUSTMENT
July 14, 2025 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:

___*Jessica Cohen (Chair)*
___*Melissa Hawthorne (Vice-Chair)*
___*Thomas Ates*
___*Jeffery Bowen*
___*Sameer S Birring*
___*Bianca A Medina-Leal*
___*Yung-ju Kim*
___*Brian Poteet*
___*Niccolo A Sacco*
___*Margaret Shahrestani*
___*Michael Von Ohlen*
___*Corry L Archer-Mcclellan (Alternate)*
___*Suzanne Valentine (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 meetings on June 9, 2025.
On-Line Link: Draft Minutes for June 9, 2025, Regular meeting and Draft Minutes for June 9, 2025, Special called meeting-Training session

PUBLIC HEARINGS

Discussion and action on the following cases.

New Variance cases:

2. C15-2025-0022 Andrew Sulski
1102 Mason Avenue

On-Line Link: ITEM02 ADV PACKET PART1, PART2; PRESENTATION
The applicant is requesting the following variance(s) from the Land Development Code, Section 25-2-899 (*Fences as Accessory Uses*) to increase the height from six (6) feet (maximum allowed) to eight feet seven inches (8'7") (requested) along front property line (east) and nine feet six inches (9' 6") along interior side property line (south), in order to erect a fence in a "SF-3-NP", Single-Family-Neighborhood Plan zoning district (MLK-183 Neighborhood Plan).

Note: The Land Development Code 25-2-899 Fences as Accessory Uses
(A) Except as otherwise provided in this chapter, a fence:
(1) is permitted as an accessory use in any zoning district; and
(2) must comply with the requirements of this section.
(B) In this section:
(1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and
(2) a solid fence is a fence other than an ornamental fence.
(C) The height restrictions of this section do not apply to an ornamental fence.
(D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed a height of six feet measured from the natural grade up.
(E) If there is a change in grade of at least one foot measured along any run of a solid fence along a property line, then the portion of the fence where the grade change occurs may be constructed to a maximum height of seven feet.
(F) a solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files written consent to the construction of the fence with the building official; and
(1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or
(2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six-foot fence and gain access to a hazardous situation, including a swimming pool.
(G) A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.
(H) A solid fence may be constructed to a height of eight feet if the fence is located between a residential use and:
(1) property zoned as a commercial or industrial base district;
(2) property used for a commercial or industrial use; or
(3) an alley that separates a residential use and:
(a) property zoned as a commercial or industrial base district; or
(b) property used for a commercial or industrial use.
(I) Except as provided in Paragraph (1), a fence shall be constructed in accordance with this subsection.
(1) This subsection does not apply to a fence that:
(a) was constructed before July 31, 2023; or
(b) is more than six feet in height and located on a property with a non-residential use.
(2) When more than 50 percent of the total linear distance of an existing fence is replaced, the entire fence must comply with this subsection.

(3) For new or replacement fences that follow historic design standards, this subsection will control if there is a conflict with the historic design standards.
(4) A fence may not include:
(a) spiked pickets, spiked bars, or other spiked decorative elements above the top horizontal backer rail;
(b) vertical pickets above the top horizontal backer rail if the vertical pickets are separated by more than two inches and less than nine inches;
(c) razor-like wire; or
(d) barbed wire unless the fence is enclosing an airport or other landing area for aircraft and the use of barbed wire is required by Federal Aviation Administration regulation.
(5) A fence that creates a substantial risk of entrapment or impalement is prohibited.
(6) A solid chain link fence shall use knuckle selvage.
(J) A fence used as a swimming pool barrier shall comply with Chapter 25-12, Article 14 (Swimming Pool and Spa Code).
Source: Section 13-2-308; Ord. 990225-70; Ord. 031211-11; Ord. 050127-64; Ord. No. 20141120-181, Pt. 1, 12-1-14; Ord. No. 20230720-156, Pt. 2, 7-31-23.

DISCUSSION ITEMS

3. Discussion of the June 9, 2025, Board of Adjustment activity report
On-Line Link: ITEM03 JUNE 9, 2025-MONTHLY REPORT

DISCUSSION AND ACTION ITEMS

4. Discussion and possible action regarding the Board's Annual Internal Review Report (July 1, 2024-June 30, 2025) to Council

FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

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/elaine.ramirez@austintexas.gov