

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Thursday November 07, 2019

CASE NUMBER: C15-2019-0060

Y Brooke Bailey
 Y Jessica Cohen
 - Ada Corral
 - Melissa Hawthorne
 Y William Hodge
 Y Don Leighton-Burwell
 - Rahm McDaniel
 N Darryl Pruett
 Y Veronica Rivera
 Y Yasmine Smith
 Y Michael Von Ohlen
 Y Kelly Blume (Alternate)
 Y Martha Gonzalez (Alternate)
 - Denisse Hudock (Alternate)

OWNER/APPLICANT: Terence Kearns

ADDRESS: 5112 BLUFFSIDE DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the LDC Section 25-2-899 (D) (*Fences as Accessory Uses*) to increase the height permitted from an average of 6 feet, maximum of 7 feet (allowed) to 8 feet (requested) in order to complete a fence in a "PUD", zoning district.

Note: The Land Development Code states that a solid fence constructed along a property line may not exceed an average height of 6 feet or a maximum height of 7 feet.

BOARD'S DECISION: BOA MEETING NOV 7, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant, Board Member Martha Gonzalez seconds on a 9-1 vote (Board member Darryl Pruett nay); GRANTED

EXPIRATION DATE: November 7, 2020

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the 6ft fence height would not preclude a child from climbing over the fence and entering the pool.
2. (a) The hardship for which the variance is requested is unique to the property in that: the fence built adjacent to a zero lot line dwelling is reasonably likely to enable a

child to climb over a 6ft fence and gain access to the hazardous situation and is a good and health and safety concern to build a fence because it reasonably for a child to climb over a 6ft fence getting to a hazardous situation where the swimming pool exists.

(b) The hardship is not general to the area in which the property is located because: because of a swimming pool, and most others don't

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the adjacent property owner has access to that side and existing fence has been there for 12 years.


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman