



May 5, 2020

Darryl Dadon
2604 E 6th St
Austin TX, 78702

Property Description: LOT 20 OLT 11 DIV A MORSLAND PLACE

Re: C15-2020-0019

Dear Darryl,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following section of the Land Development Code; Section 25-2-899 (E) (*Fences as Accessory Uses*); To increase the height permitted from 6 feet (required) to 8 feet (requested);

In order to maintain a recently constructed fence along an alley on the East side property line in an "SF-3-NP", Single-Family Residence-Neighborhood Plan zoning district. (Holly Neighborhood Plan)

Austin Energy does not oppose the above variance request provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Mr. Dadon is aware of the position Austin Energy stands in relationship to fences, per a phone conversation May 5, 2020, about the following chapter *1.10.10.2 Fences and Structures - It is permissible to install fences on utility easements provided that the fences can be removed to permit AE crew and equipment access*. Mr. Dadon stated that the fence, is completely removable with the current fasteners used, which could easily be removed if an AE crew was to service the light pole.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050




BOA GENERAL REVIEW COVERSHEET**CASE:** C15-2020-0019**BOA DATE:** April 13, 2020**ADDRESS:** 2604 E. 6th St**COUNCIL DISTRICT:** 3**OWNER:** Darryl Dadon**AGENT:** N/A**ZONING:** SF-3-NP (Holly Neighborhood Plan)**LEGAL DESCRIPTION:** LOT 20 OLT 11 DIV A MORSLAND PLACE**VARIANCE REQUEST:** fence height request to 8 ft.**SUMMARY:** construct an 8 ft. fence**ISSUES:** utility pole, burglaries, and construction of a swimming pool

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	LI-CO-NP	Limited Industrial Services-Conditional Overlay
<i>East</i>	MF-2-NP	Multi-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Capital Metro
 Del Valle Community Coalition
 East Austin Conservancy
 El Concilio Mexican-American Neighborhoods
 Friends of Austin Neighborhoods
 Greater East Austin Neighborhoods Association
 Guadalupe Neighborhood Development Corporation
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighbors United For Progress
 Parque Zaragosa Neighborhood Association
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group
 Tejano Town



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS
 CASE#: C15-2020-0019
 LOCATION: 2604 E 6TH STREET



1" = 333'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. **If more space is required, please complete Section 6 as needed.** All information is required (if applicable).

For Office Use Only

Case # _____	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: 2604 E 6th St Austin TX 78702

Subdivision Legal Description:
LOT 20 OLT 11 DIV A MORSLAND PLACE

Lot(s): 20 Block(s): _____

Outlot: 11 Division: A MORSLAND PLACE

Zoning District: SF3

I/We Darryl Dadon on behalf of myself/ourselves as authorized agent for Darryl Dadon affirm that on Month March, Day 12, Year 2020, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: Fence as Accessory Use

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
Fence as Accessory Use pursuant to Section 25-2-899(E) of the Code. I am requesting a
variance from the Land Development Code section 25-2-899 Fences as Accessory Uses for a
SF-3-NP residential property for a fence height along the back portion of the property from
average of 7 ft. to 8ft.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:
We are constructing a pool and have undergone the permitting process for the pool with the
City. I am not sure if this section applies because this situation falls within the City's ordinance
as a permitted use under fence as Accessory Unit. But Austin Code enforcement has indicated
we also need approval from the City of Austin as they own the alley and is adjacent to the
fence.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:
There is a utility pole located right outside of the 8ft fence that a child or person could use to
jump over a 6ft tall fence. And we have had burglars jump over our existing 6ft fence on the
side of the property. The height of 8ft should prevent a child or other person from using the
utility pole to jump over the fence to access the pool that is under construction. Also, there is a
change in grade of at least two feet within 50 feet of the boundary between adjoining
properties

b) The hardship is not general to the area in which the property is located because:
Again, I am not sure this section applies since the use falls within the City Ordiance. None of
the surrounding properties have an electric utility pole located right urside of their fence, and
none of the surrounding properties to oue knowledge have a swimming pool, active electrical
lines with wire man suspenders which could enable an individual to climb.

Area Character

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 8ft fence will not change the character of the back alley. Many of the properties have solid, tall fences facing the back alley and our fence is not much taller. Almost every property has a simiar Cedar picket fence for security along the alley.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 03-12-2020

Applicant Name (typed or printed): Darryl Dadon

Applicant Mailing Address: 2604 E 6th St

City: Austin State: Texas Zip: 78702

Phone (will be public information): 512-705-1711

Email (optional – will be public information): 

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 03-12-2020

Owner Name (typed or printed): Darryl Dadon

Owner Mailing Address: 2604 E 6th St

City: Austin State: Texas Zip: 78702

Phone (will be public information): 512-705-1711

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Additional Space (continued)

We received the Notice, and wanted to contest the violation. The Notice describes the violation as “[a] fence that exceeds an average height of 6 feet is prohibited in a residential zoned district, the maximum fence height is 7 feet,” and that “the fence measured over 6 feet.” The notice has given us 14 days to comply or request a variance. However, we do not believe we are in violation of the city code, so we are respectfully contesting the Notice.

Under section §25-2-899(E), our fence height is permitted as an “Accessory Use”. Section (E) states:

(E) 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 a written consent to the construction of the fence with the building official, and:

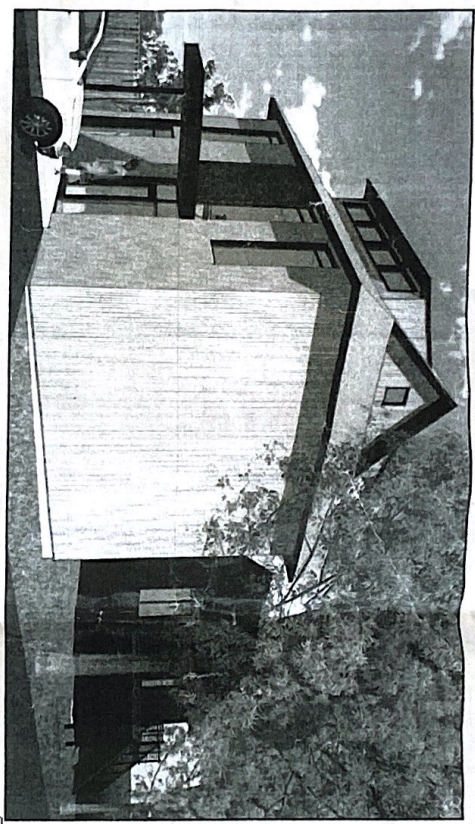
- (1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or
- (2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool.

The portion of our fence for which we received this notice is constructed to a maximum height of eight feet. We have provided copies of our adjacent neighbor’s consent to the 8ft fence. From the front of the adjoining properties to the back of the adjoining properties, there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties. In addition, there is an electrical pole that exist directly outside of the fence, and the proximity of the utility pole could reasonably enable a child to climb over a six foot fence and gain access to various hazards on the property. Additionally, our property is under construction as we are constructing and we are constructing a pool, and we have permitting this work with the City so we will need to secure from children that may be able to climb over a 6 foot fence using the utility pole. Additionally, the fence is part of an automatic sliding gate, which could seriously injure or even kill a person who was climbing over a six foot fence, using the utility pole, if they became trapped while the gate was opening. For these reasons it is imperative to secure the property, and the height of our fence is permitted under the Cite Code.

SAVE

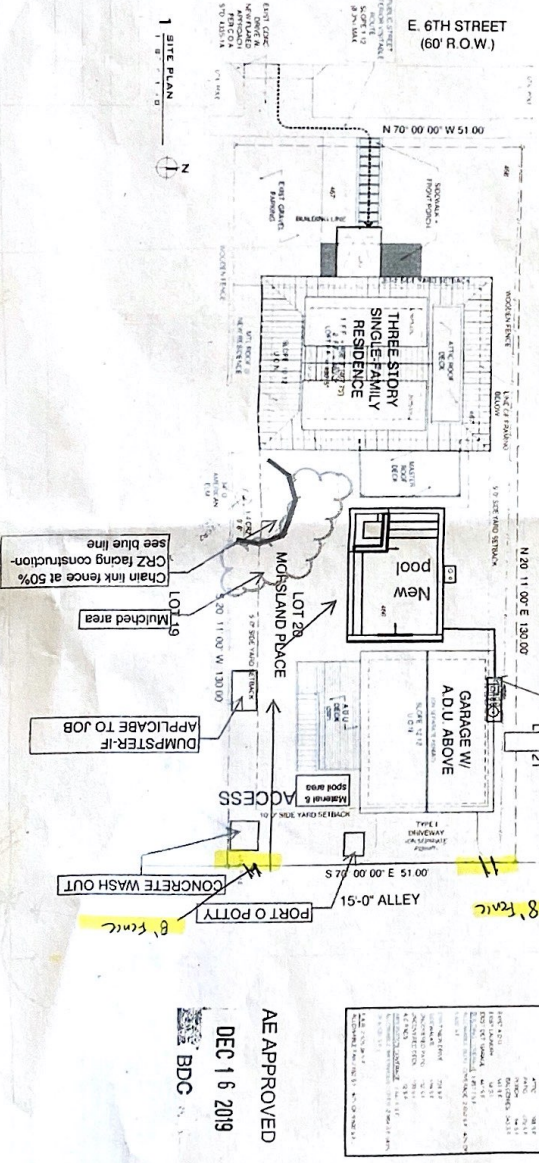
DADUN RESIDENCE

Scale 1/20



City of Austin
 REVIEWED FOR CODE COMPLIANCE

All structures/pool/etc.
 Must maintain a 10' OH
 Horizontal clearance from
 AE energized power lines



OWNER DARRYL + BRITTANY DADUN 2406 E 6TH STREET AUSTIN, TEXAS 78702	ARCHITECT MERZBAU DESIGN COLLECTIVE 2235 E 6TH STREET #105 AUSTIN, TX 78702 T 512.636.5300 CONTACT: J.O. SCHMEL, AIA	ENGINEERING GREENEARTH ENGINEERING, INC. 2800 WEST WILLIAM CANNON #201 AUSTIN, TX 78746 T 512.289.8686 CONTACT: TIM ZHANG, P.E.	CONTRACTOR TBD
SHEET INDEX	SHEET NAME NO	ISSUE FOR	
LEGAL DESCRIPTION LOT 28 MOISLAND PLACE	SCOPE NEW CONSTRUCTION	ZONING SP-100 SINGLE-FAMILY RESIDENTIAL	SQUARE FOOTAGES

AE APPROVED
 DEC 16 2019
 BDC

DADUN RESIDENCE
 DARRYL + BRITTANY DADUN
 2604 E 6TH ST, AUSTIN, TX 78702

MERZBAU DESIGN COLLECTIVE
 2235 E 6th St #105, Austin, TX 78702
 T 512.636.5300

NOT FOR CONSTRUCTION
 CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS
 DATE: 12/16/19

A1.1

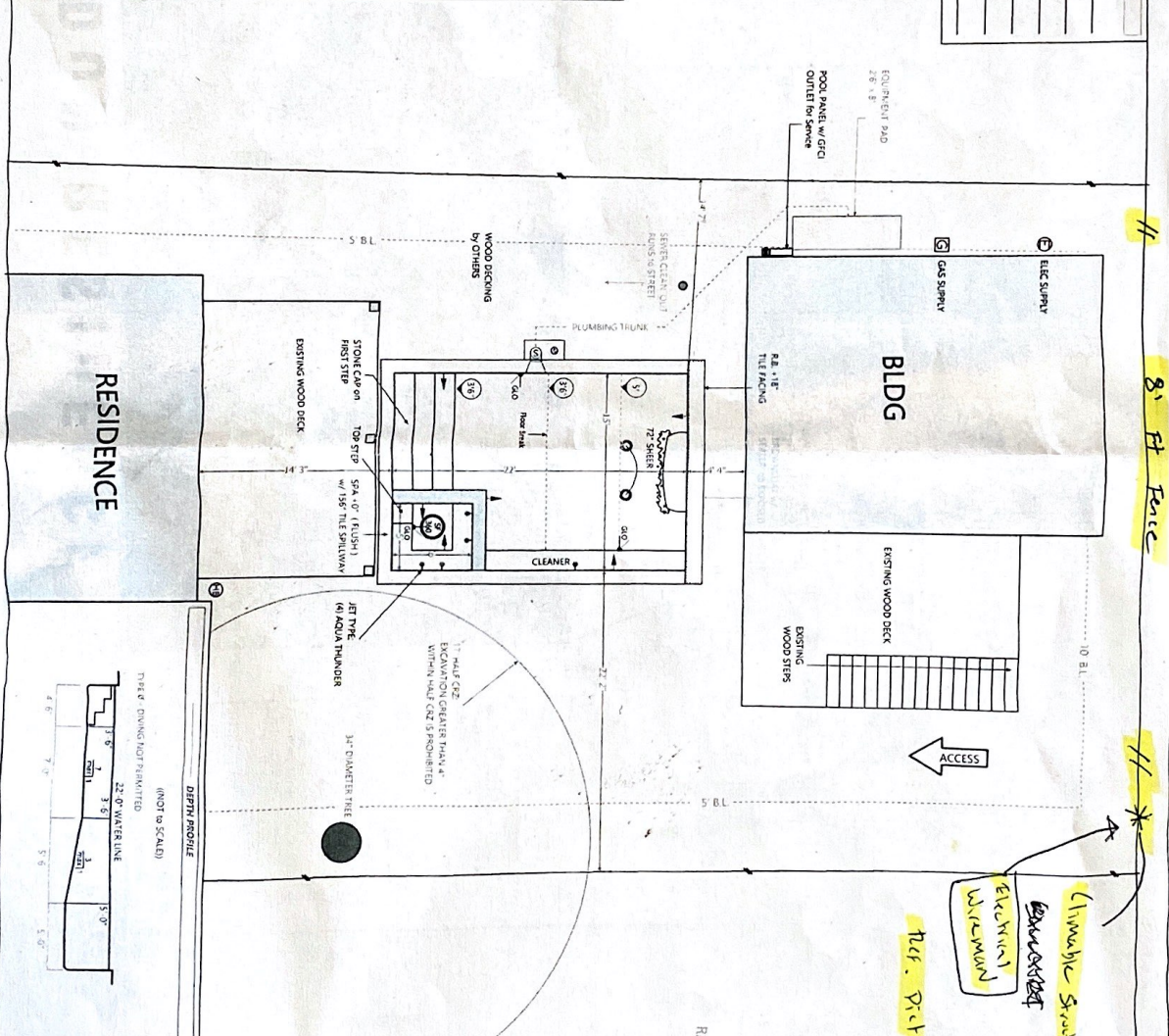
CUSTOMER INFORMATION

LAST NAME: DADON
 ADDRESS: 2604 EAST 6th STREET
 CITY/ZIP: AUSTIN TX 78702
 PHONE #: 512-705-1711
 GATE CODE: _____
 DESIGNER: STEELE SMITH SUPER: _____
 BOND BEAM: _____ FINISH: _____

TRACT NOTE:
 REMOVE AND REPLACE BY COPY
RFI NOTE:
 MISCOMMER INCLUDED

CONTRACT NOTE:
 NO CAP OR DECK RING ON SKIMMER AND AUTO FILL BOX
 WILL BE UNDER NEW WOOD DECK BY OTHERS

POOL SPECS		SPG SPECS	
PERIMETER: 72'	AREA: 288 SQ FT	PERIMETER: 22'	AREA: 39 SQ FT
DIMENSIONS: 22' x 15'		DEPTH: 3.5'	
GALLONS: 9394		DIMENSIONS: 8 x 2.5'	
TURNOVER: 138 HRS @ 120 GPM		OUTSIDE PERIMETER: 30'	
ALL SKIMMERS TO BE SET ON 1/2" SLOPE TO THE OUTSIDE FOR PROPER DRAINAGE		POOL INTERJECT: N/A	BASED: 2" (1.5" DIA)
		SPLURWAY TYPE: 1.5" TILE	ARTS: (4) AQUATHUNDER
DECK SPECS		PLUMBING SPECS	
X-TYPE: B/OTHERS	BACK SIZE: X	SKIMMER: 30'	SPA: S/L Common Return: YES
Y-TYPE: N/A	FEASURE A: 32' (EYES)	FEASURE B: N/A	FEASURE C: N/A
Z-TYPE: N/A	FEASURE D: N/A	FEASURE E: N/A	FEASURE F: N/A
TOP DECK TYPE: N/A	POG VALVE TO POOL: N/A	FEASURE G: N/A	FEASURE H: N/A
TURNOVER TYPE: N/A	ELEC. 1P: 0/2	FEASURE I: N/A	FEASURE J: N/A
EQUIPMENT SPECS			
CHEM. PUMP: Inlet/Outlet: YES	CONTROL PANEL: 5'x4'	SKIMMER: SYSTEM LOGIC BRIDGE	SKIMMER: INLINE - ULTRAVIOLET - OZONE
PUMP #2: N/A	SKIMMER: 1.5 HP	FEASURE K: N/A	FEASURE L: N/A
FILTER: Cartridge C20 #40	FILL LINE: Parallel to Pool w/ 1/2" SLOPE	CLEANER: RACKER 15	OTHER: (1) 27" SIFTS
HEATER: A003000 - GAS	POOL LIGHT: 21.00 BRITLED 12x	OTHER: N/A	OTHER: N/A
SPACELIFT: (1) 60 BRITLED 12x	OTHER: N/A	OTHER: N/A	OTHER: N/A



DEPTH PROFILE
 (NOT TO SCALE)
 THE 0' DIVING NOT PERMITTED
 22' 0" WATERLINE

Cody Pools
 APPROVAL

City of Austin
 REVIEWED FOR CODE COMPLIANCE

DADON
 PAGE 1 of 2
 PLAN REVISION
 ORIGINAL

Handwritten notes:
 (Limbo) SINK
 ELECTRICAL WORK
 Hill Pictures

EXHIBIT A

Photos of Electric Utility Pole



I-4/12



EXHIBIT C

Photos of Sliding Electric Gate



I-4/15

