

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

**DATE: Monday May 11, 2020**

**CASE NUMBER: C15-2020-0019**

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

**OWNER/APPLICANT: Darryl Dadon**

**ADDRESS: 2604 6TH ST**

**VARIANCE REQUESTED: The applicant is requesting a variance(s) from 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)**

**Note: The Land Development Code 25-2-899 (E) states: 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 (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.**

**BOARD’S DECISION: BOA meeting April 13, 2020 CANCELLED MEETING; MAY 11, 2020; May 11, 2020 **The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant the fence to 7 feet, Board Member Melissa Hawthorne seconds on an 11-0 vote; GRANTED THE FENCE TO 7 FEET.****

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: constructing a pool and have undergone the permitting process for the pool with the City.
2. (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.  
  
(b) The hardship is not general to the area in which the property is located because: not sure this section applies since the use falls within the City ordinance, none of the surrounding properties have an electric utility pole located right outside of the fence
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 7ft fence will not change the character of the back alley, many of the properties have solid tall fences facing the back alley

  
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Elaine Ramirez  
Executive Liaison

Diana Ramirez for  
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Don Leighton-Burwell  
Chairman