

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**E-2**

**DATE: Monday July 12, 2021**

**CASE NUMBER: C15-2021-0036**

Y  Thomas Ates  
 Y  Brooke Bailey  
 Y  Jessica Cohen  
 Y  Melissa Hawthorne  
 Y  Barbara McArthur  
 -  Rahm McDaniel (OUT)  
 Y  Darryl Pruett  
 Y  Agustina Rodriguez  
 -  Richard Smith (OUT)  
 Y  Michael Von Ohlen  
 Y  Nicholl Wade  
 N  Kelly Blume (Alternate)  
 Y  Carrie Waller (Alternate)  
 -  Vacant (Alternate)

**APPLICANT:** Ron Thrower

**OWNER:** Chalice McGee

**ADDRESS:** 6141 JUMANO LN

**VARIANCE REQUESTED:** The applicant is requesting a variance(s) from Section 25-2-899 (D) (E) (F) (*Fences as Accessory Uses*) to increase the height permitted from 6 feet (required) to 8 feet (requested) in order to maintain a recently constructed 8 ft. fence in an “SF-2-NP”, Single-Family Residence-Neighborhood Plan zoning district. (West Oak Hill Neighborhood Plan)

*Note: The Land Development Code 25-2-899 (D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.*

*(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.*

*(F) 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.*

**BOARD'S DECISION June 14, 2021 POSTPONED TO JULY 12, 2021; July 12, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Michael Von Ohlen motions to Grant with condition that a verification of approval from HOA is provided to Residential Review during the permit review; Board Member Melissa Hawthorne seconds on a 10-1 vote (Board members Kelly Blume nay); GRANTED WITH CONDITION THAT A VERIFICATION OF APPROVAL FROM HOA IS PROVIDED TO RESIDENTIAL REVIEW DURING THE PERMIT REVIEW.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: an average 7 foot fence is not adequate to provide a secure condition and reasonable privacy to safely occupy the yard at the subject property in a manner consistent with safe haven conditions of sanctuary normally accustomed to people living on their property.
2. (a) The hardship for which the variance is requested is unique to the property in that: the elevation change proximate to the property line is greater, subject property being lower in elevation and with topography  
  
(b) The hardship is not general to the area in which the property is located because: this lot is a triangular shaped lot lending to a unique back and side yard configuration and topographic change in the rear
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: all lots in this subdivision have the same character of wooden privacy fences that vary in height of 6ft and greater.

  
Elaine Ramirez  
Executive Liaison

Diana Ramirez for

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Jessica Cohen  
Chair