

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

**DATE: Monday October 11, 2021**

**CASE NUMBER: C15-2021-0096**

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

**APPLICANT: David Hartman**

**OWNER: Family Sport Inc, a Texas Corporation**

**ADDRESS: 5700 GROVER AVE and 5617 ROOSEVELT AVE**

**VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code:**

- a) Section 25-2-899 (Fences as Accessory Uses) (D) & (E) to increase the fence height from an average of six feet or a maximum of seven feet (maximum allowed) to an average of eight feet (requested) on western property line only.**
- b) Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) (C) (2) to increase height limit from three (3) stories and 40 feet (maximum allowed) to four (4) stories and 45 feet (requested)**
- c) Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) (C) (3) to increase allowed height from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive (maximum allowed) to 45 feet (requested) on eastern property line only in order to erect a four (4) story Apartment Building in a “MF-6-CO-NP”, Multi-Family Residence Highest Density-Conditional Overlay – Neighborhood Plan zoning district. (Brentwood Neighborhood Plan)**

*Note: The Land Development Code Section 25-2-899 (Fences as Accessory Uses) (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) 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...*

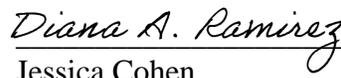
*Section 25-2-1063 Height Limitations and Setbacks for Large Sites (C) (2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property. (C) (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.*

**BOARD'S DECISION: BOA Meeting Oct 11, 2021-**POSTPONED TO NOVEMBER 8, 2021 BY BOARD MEMBERS** (Due to not enough Board Members present at the meeting)**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
  - (b) The hardship is not general to the area in which the property is located because:
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:

  
Elaine Ramirez  
Executive Liaison

 for  
Jessica Cohen  
Madam Chair