

D-1/1-PRESENTATION

We are seeking a variance from Section 25-2-899(D) (Fences as Accessory Uses) to exceed the average height of six (6) feet or a maximum of seven (7) feet for a solid fence construction along the property line in order to maintain a seven (7) foot tall masonry, wood & steel fence along Bluebonnet & Peach Tree Streets.

REASONABLE USE

The zoning regulations applicable to the property do not allow for a reasonable use because:

ADJOINING PROPERTY IS THE RIGHT-OF-WAY (NO CONSENT),

TOPOGRAPHY OF PROPERTY RANGES 2FT.

COMMERCIAL PROPERTY ACROSS BLUEBONNET.

FENCE DOES NOT EXCEED 7FT AT ANY POINT.

HARDSHIP

The hardship for which the variance is requested is unique to the property in that:

ADJOINING PROPERTY IS THE RIGHT-OF-WAY (NO CONSENT),

TOPOGRAPHY OF PROPERTY RANGES 2FT.

COMMERCIAL PROPERTY ACROSS BLUEBONNET.

FENCE DOES NOT EXCEED 7FT AT ANY POINT.

The hardship is not general to the area in which the property is located because:

ADJOINING PROPERTY IS THE RIGHT-OF-WAY (NO CONSENT),

TOPOGRAPHY OF PROPERTY RANGES 2FT.

COMMERCIAL PROPERTY ACROSS BLUEBONNET.

FENCE DOES NOT EXCEED 7FT AT ANY POINT.

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:

SIMILAR TYPE FENCING EXISTS ON PROPERTIES ALONG BLUEBONNET STREET.

ADJOINING PROPERTY IS THE RIGHT-OF-WAY (NO CONSENT),

TOPOGRAPHY OF PROPERTY RANGES 2FT.

COMMERCIAL PROPERTY ACROSS BLUEBONNET. FENCE

DOES NOT EXCEED 7FT AT ANY POINT.

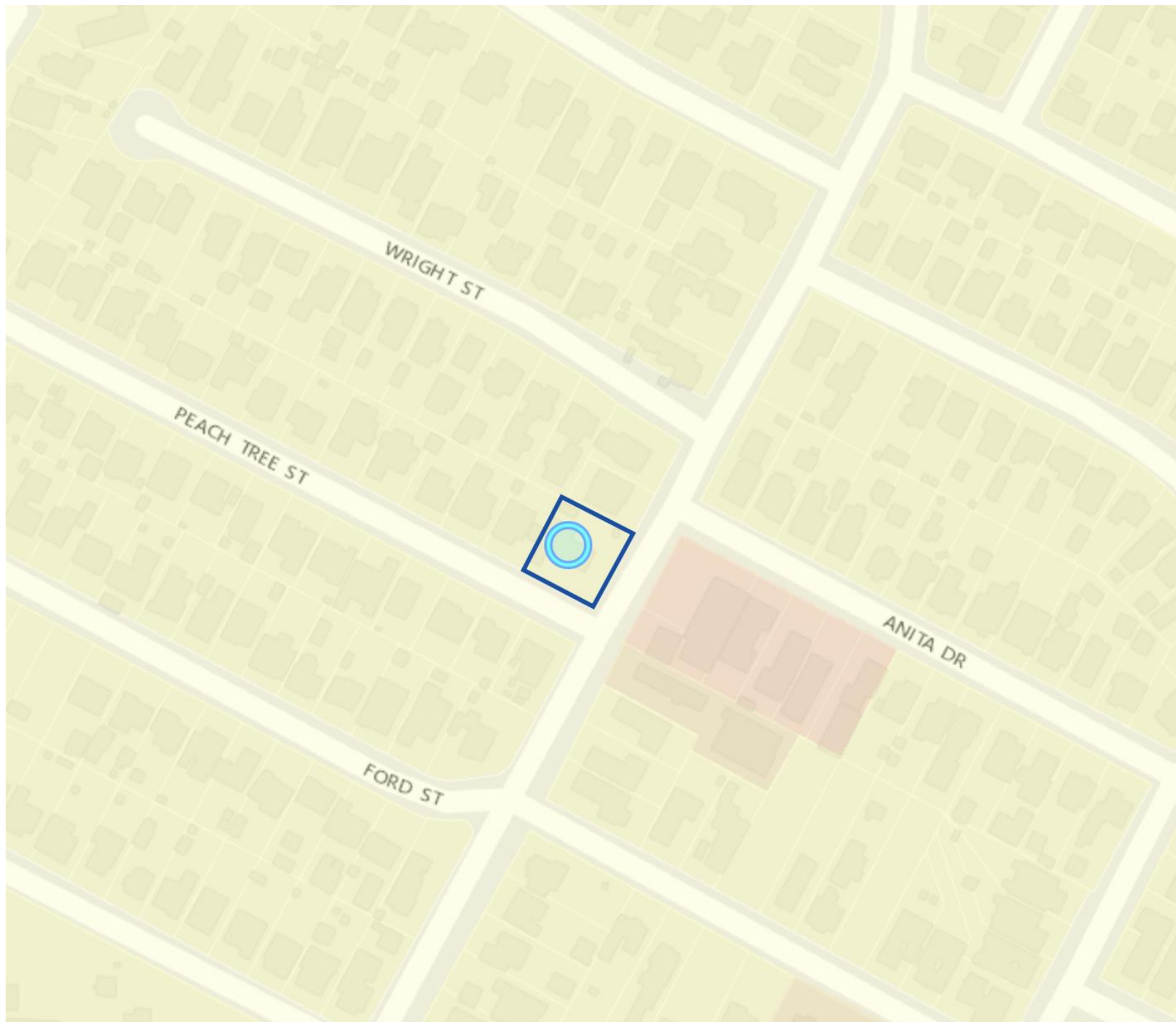
§ 25-2-899 FENCES AS ACCESSORY USES.

- (A) Except as otherwise provided in this chapter, a fence:
 - (1) is permitted as an accessory use in any zoning district; and
 - (2) must comply with the requirements of this section.
- (B) In this section:
 - (1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and
 - (2) a solid fence is a fence other than an ornamental fence.
- (C) The height restrictions of this section do not apply to an ornamental fence.
- (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:
 - (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.
- (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.
- (G) a solid fence may be constructed to a height of eight feet if the fence is located between a residential use and:
 - (1) property zoned as a commercial or industrial base district;
 - (2) property used for a commercial or industrial use; or
 - (3) an alley that separates a residential use and:
 - (a) property zoned as a commercial or industrial base district; or
 - (b) property used for a commercial or industrial use.

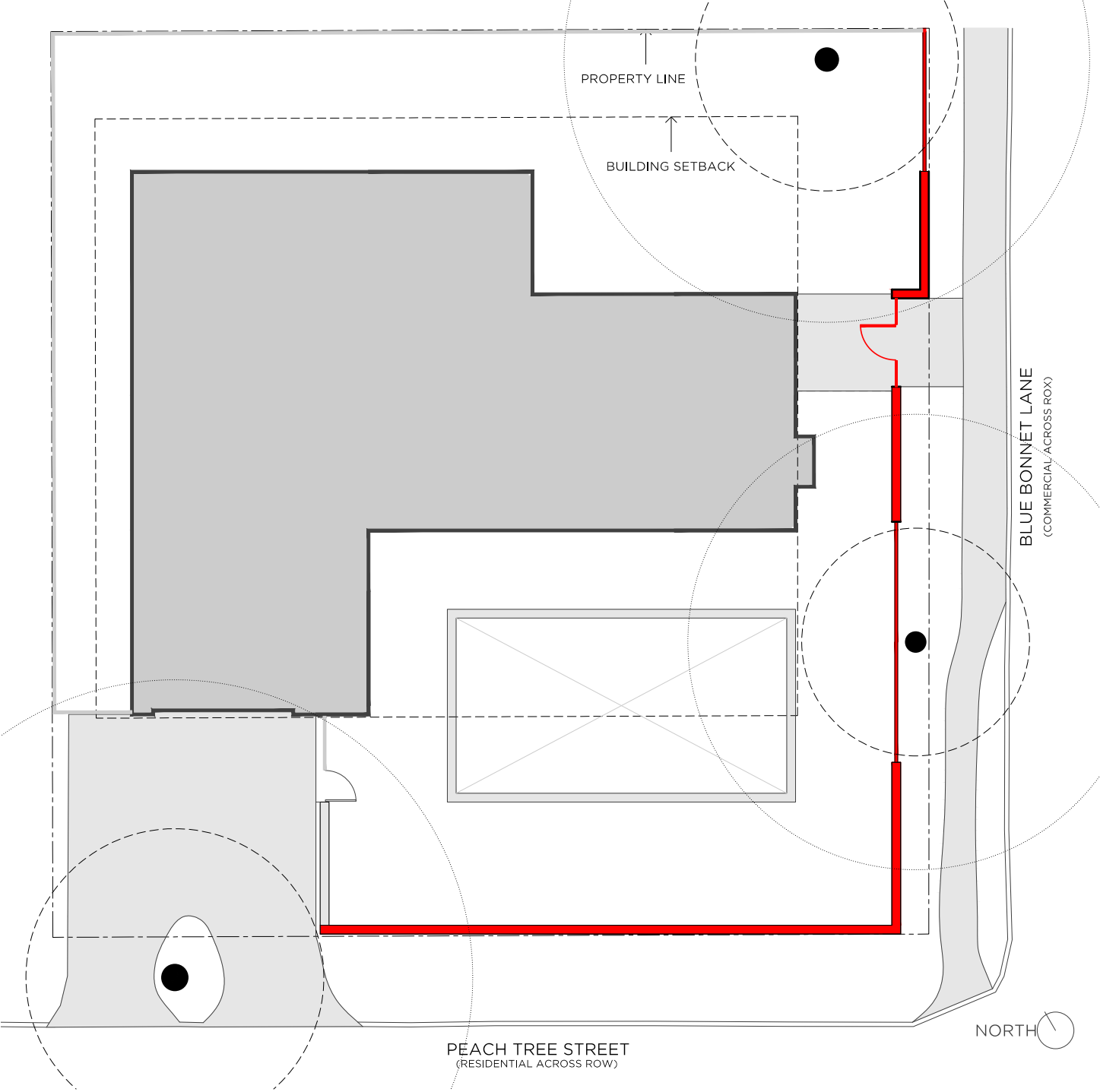
R105.2 Work exempt from permit.

A permit is not required for the work described in this provision. Work exempt from a permit must still comply with the Residential Code and all other applicable laws and City Code requirements.

2. Unless located within a flood hazard area, a fence that is not over 8 feet (2438 mm) high.



D-1/4-PRESENTATION





3-20-2019
REV 8-29-2019

BP1 | **2000 PEACH TREE**
ISSUED FOR PERMITTING



VIEW ALONG PEACH TREE @ 2000 PEACHTREE (SUBJECT PROPERTY)



VIEW ALONG PEACH TREE @ 2000 PEACHTREE (SUBJECT PROPERTY)



VIEW ALONG BLUEBONNET @ 2000 PEACHTREE (SUBJECT PROPERTY)



NEIGHBORHOOD EXAMPLE



NEIGHBORHOOD EXAMPLE



NEIGHBORHOOD EXAMPLE



NEIGHBORHOOD EXAMPLE



NEIGHBORHOOD EXAMPLE



Beaty, Curtis

RE: 2000 Peach Tree Street

To: Stuart Sampley, Cc: Susan Barr

2000 Peach Tree (Burkhart) November 12, 2020 at 8:58 AM

[Details](#)

ATD field reviewed the constructed fence for the residence at 2000 Peach Tree St. The fence is completely out of the ROW of Peach Tree St and Bluebonnet Ln. The location and height of the constructed fence does not create an unacceptable sight-distance obstacle for drivers and, therefore, is not considered a safety issue for vehicles, pedestrians, or bicycles. Such determinations are made from the driver's perspective making a decision which does not require their vehicle positioned completely behind the stop sign. It is a reasonable expectation for a driver to come to a complete stop at the stop sign, and then slowly proceed forward to ensure the travel lanes are clear to safely continue with their travels when they have the right of way.

Curtis P. Beaty, P.E.
Austin Transportation Department

WE, PATRICK & ABBEY SEIDENSTICKER, OWNERS OF 1602 BLUEBONNET HERE BY GIVE OUR CONSENT FOR THE OWNERS OF 2000 PEACH TREE TO CONSTRUCT A SOLID 8' TALL FENCE ON THEIR SIDE OF OUR SHARED PROPERTY LINE.

1602 Bluebonnet Lane
PATRICK & ABBEY SEIDENSTICKER
1602 BLUEBONNET LN
AUSTIN, TX 78704-2804

I, FRANK SARAIHEH, OWNER, BLUEBONNET FOOD MART, 1701 BLUEBONNET LANE, HEREBY GIVE MY CONSENT AS THE ADJACENT PROPERTY OWNER OF 2000 PEACH TREE STREET TO CONSTRUCT AN 8FT SOLID FENCE BETWEEN OUR PROPOERTIES ALONG BLUEBONNET LANE.

SIGNATURE

12/31/2021

DATE

I, PRISCILLA GLOVER WITH URBAN NATURE, INC., OWNER OF 2001 PEACH TREE STREET, HERE BY GIVE MY CONSENT AS THE ADJACENT PROPERTY OWNER OF 2000 PEACH TREE STREET TO CONSTRUCT AN 8FT SOLID FENCE BETWEEN OUR PROPERTIES ALONG PEACH TREE STREET.

SIGNATURE

12/9/2020

DATE

I, DAVID M. LAUDERBACK, OWNER OF 2004 PEACH TREE HERE BY GIVE MY CONSENT FOR THE OWNERS OF 2000 PEACH TREE TO CONSTRUCT A SOLID 8' TALL FENCE ON THEIR SIDE OF OUR SHARED PROPERTY LINE.

2004 Peach Tree
LAUDERBACK DAVID M
2003 PEACH TREE ST
AUSTIN, TX 78704-2840

5 June 2020