

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-1**

DATE: Monday July 11, 2022

CASE NUMBER: C15-2022-0048

____ Thomas Ates
____ Brooke Bailey
____ Jessica Cohen
____ Melissa Hawthorne
____ Barbara Mcarthur
____ Ryan Nill
____ Darryl Pruett
____ Agustina Rodriguez OUT
____ Richard Smith OUT
____ Michael Von Ohlen
____ Nicholl Wade
____ Kelly Blume (Alternate) N/A
____ Carrie Waller (Alternate)
____ Marcel Gutierrez-Garza (Alternate)

APPLICANT: Rodney Bennett

OWNER: Diana Patterson

ADDRESS: 2500 SPRING LN

VARIANCE REQUESTED The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-899 (D) (*Fences as Accessory Uses*) to exceed the average height of six (6) feet or a maximum height of seven (7) feet (required) for a solid fence along the property line in order to construct a ten (10) feet (requested) tall masonry wall/fence along Bowman Avenue in a SF-3-NP”, Single-Family-Neighborhood Plan zoning district (WANG 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.

Homeowner was Granted a fence variance in 2010 from 6 ft. to 8 ft., C15-2010-0034.

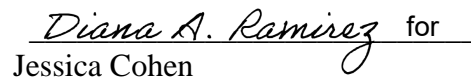
BOARD’S DECISION: BOA MEETING JULY 11, 2022 POSTPONED TO AUGUST 8, 2022 BY APPLICANT

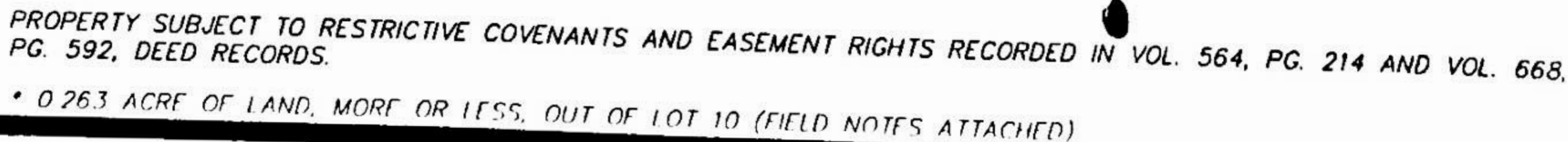
FINDING:

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



GF 201200428

All corners are 1/2-inch iron rod found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed

Leslie Vasterling

Date: 02-29-2012

Item-7/4

2500 Spring Ln

United States Postal Service

Sysco Corporation

Austin Vision Center

APAI Tarrytown Gallery

The Beer Plant

Adelfo Properties

Catherine Tabor Law Firm, PC







BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0048

BOA DATE: July 11th, 2022

ADDRESS: 2500 Spring Ln

COUNCIL DISTRICT: 10

OWNER: Diana Patterson

AGENT: Rodney Bennett

ZONING: SF-3-NP (WANG)

LEGAL DESCRIPTION: S 85 FT OF LOT 10 FOX SCHMIDT SUBD

VARIANCE REQUEST: construct a ten (10) foot tall masonry wall/fence along Bowman Avenue

SUMMARY: erect a masonry wall/fence

ISSUES: loud and odorous semi-trucks, closeness of shopping center to the home

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	CS	General Commercial Services
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Central West Austin Neighborhood Plan Contact Team
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Save Barton Creek Assn.
 Save Historic Mundy District
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources
 Tarrytown Alliance
 Tarrytown Neighborhood Association
 West Austin Neighborhood Group



July 1, 2022

Rodney K. Bennett
529 Evening Star
Kyle, TX 78640

Property Description: S 85 FT OF LOT 10 FOX SCHMIDT SUBD

Re: C15-2022-0048

Dear Rodney,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance request from LDC Section 25-2-899(D) at 2500 Spring Lane.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

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

Cody Shook, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881
Cody.Shook@austinenergy.com



CITY OF AUSTIN

Development Services Department

Permitting & Development Center

Phone: 512.978.4000

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Item-7/10

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 # C15-2022-0048 ROW # 12930133 Tax # 0117040212

Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

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

Outlot: _____ Division: _____

Zoning District: (WANG) Council District: 10

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month _____, Day _____, Year _____, 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: _____ 10' TALL

Requested height

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.

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

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

Hardship

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:

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:

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: Rodney K. Bennett Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): [REDACTED]

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: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

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): [REDACTED]

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).

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: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

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: William + Diana Patterson Date: March 24, 2022

Owner Name (typed or printed): Diana Patterson

Owner Mailing Address: 2500 Spring Lane

City: Austin State: Texas Zip: 78723

Phone (will be public information): 512 633 3695

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

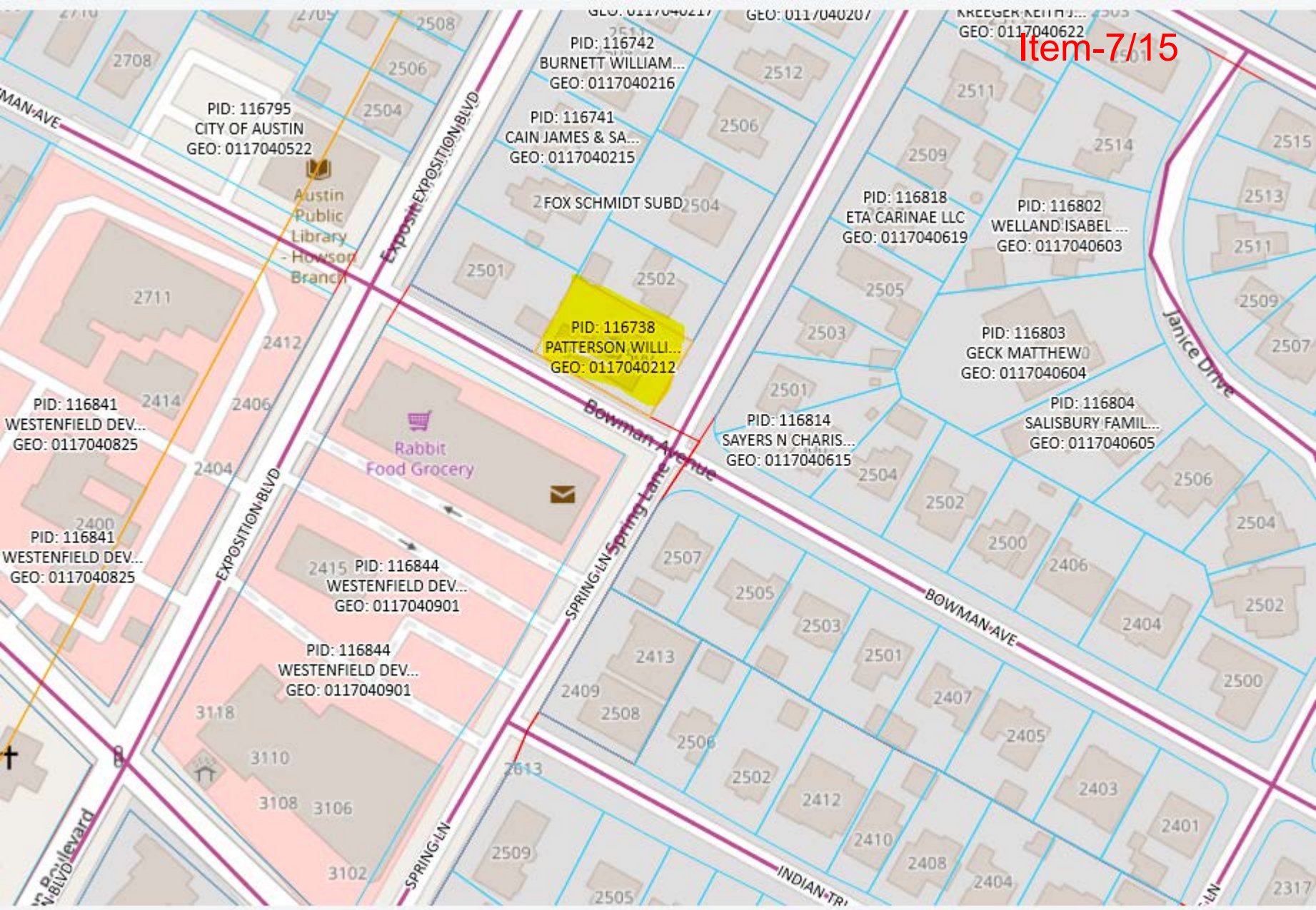
Phone (will be public information): _____

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).

Item-7/15





July 7, 2022

Attention: Elaine Ramirez,
Board of Adjustments
City of Austin
6310 Wilhelmina Delco
Austin, Texas 78752

RE: D-1, C15-2022-0048

Please respectfully accept this letter as our written request to postpone the above-mentioned item. We will not be able to attend and present to you since the WANG Neighborhood Association is meeting at the same time to discuss our case. It is our wish to be heard at the August BOA Meeting.

Rodney K. Bennett

Respectfully,

Rodney K. Bennett
Bennett Consulting

[REDACTED]
512-627-7227

From: Blake
To: [Ramirez, Elaine](#)
Cc: [REDACTED]
Subject: C15-2022-0048; 2500 Spring Lane
Date: Friday, July 15, 2022 4:33:20 PM

*** External Email - Exercise Caution ***

15 July 2022

Elaine Ramirez, Liaison
Board of Adjustment
City of Austin

RE: C15-2022-0048
2500 Spring Lane

Board of Adjustment:

The Executive Committee of West Austin Neighborhood Group (WANG) met with the applicant in the variance request referenced above, Diana Patterson, and her representative Rodney Bennett at our regularly scheduled monthly meeting on Monday 11 July 2022. After discussion, the Executive Committee voted to not oppose the requested variance to fence height sought by the applicant.

Our regards and thanks for your service to the city,

Blake Tollett
Land Matters
WANG

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend.** However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Item-7/19
Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be added to the Late Back-up and viewed by the Board the night of the meeting. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2022-0048

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; July 11th, 2022

John C. Donovan

Your Name (please print)

☒ I am in favor
☐ I object

2506 Spring Lane 78703

Your address(es) affected by this application

John C. Donovan

Signature

7/3/2022
Date

Daytime Telephone: 512-468-3967

Comments: We are in favor of the fence.

If you will be using this form to comment, please return it via e-mail to:

Elaine Ramirez; 512-974-2202

Scan & Email to: Elaine.Ramirez@austintexas.gov

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and:

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Item-7/20

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Case Number: C15-2022-0048

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; July 11th, 2022

Karen Brimble

Your Name (please print)

☒ I am in favor
☐ I object

2800 Robbs Run Austin 78703

Your address(es) affected by this application

Karen Brimble

Signature

7/18/22

Date

Daytime Telephone: 512-663-0226

Comments:

If you will be using this form to comment, please return it via e-mail to:

Elaine Ramirez; 512-974-2202

Scan & Email to: Elaine.Ramirez@austintexas.gov