

**CITY OF AUSTIN**  
**Board of Adjustment**  
**Decision Sheet**  
**Item-7**

**DATE: Monday August 8, 2022**

**CASE NUMBER: C15-2022-0048**

-  Thomas Ates OUT  
 Y  Brooke Bailey  
 Y  Jessica Cohen  
 Y  Melissa Hawthorne  
 Y  Barbara McArthur  
 Y  Ryan Nill  
 Y  Darryl Pruett  
 Y  Agustina Rodriguez  
 Y  Richard Smith  
 -  Michael Von Ohlen OUT  
 -  Nicholl Wade OUT  
 -  Kelly Blume (Alternate)  
 -  Carrie Waller (Alternate)  
 Y  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.*

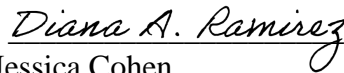
**BOARD’S DECISION: BOA MEETING JULY 11, 2022 POSTPONED TO AUGUST 8, 2022 BY APPLICANT; Aug 8, 2022 The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to approve with condition that this is tied only to the area highlighted (on Bowman Ave.) as shown in the advance packet drawing Item-7/3, only side of the shopping center; Board member Barbara McArthur**

**second on 9-0 vote; GRANTED WITH CONDITION THAT THIS IS TIED ONLY TO THE AREA HIGHLIGHTED (ON BOWMAN AVE.) AS SHOWN IN THE ADVANCE PACKET DRAWING ITEM-7/3, ONLY SIDE OF THE SHOPPING CENTER.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: most residential properties do not adjoin a public Street that has back of shopping center and back end is the delivery portion and truck traffic make it difficult to have a reasonable enjoyment of the property.
2. (a) The hardship for which the variance is requested is unique to the property in that: the obnoxiously loud of semi-trucks making deliveries at all hours of the day make it difficult to deal with commercial delivery and scheduling of dumpster pickup and have enjoyment of the property  
  
(b) The hardship is not general to the area in which the property is located because: there are 3 lots along this perimeter roadway and little undersized for traffic that is occurring
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 wall is existing and a variance was given in 2010 for 8ft wall, not impacting the adjacent neighbors, and tying the variance to the area highlighted as shown on 7/3.

  
Elaine Ramirez  
Executive Liaison

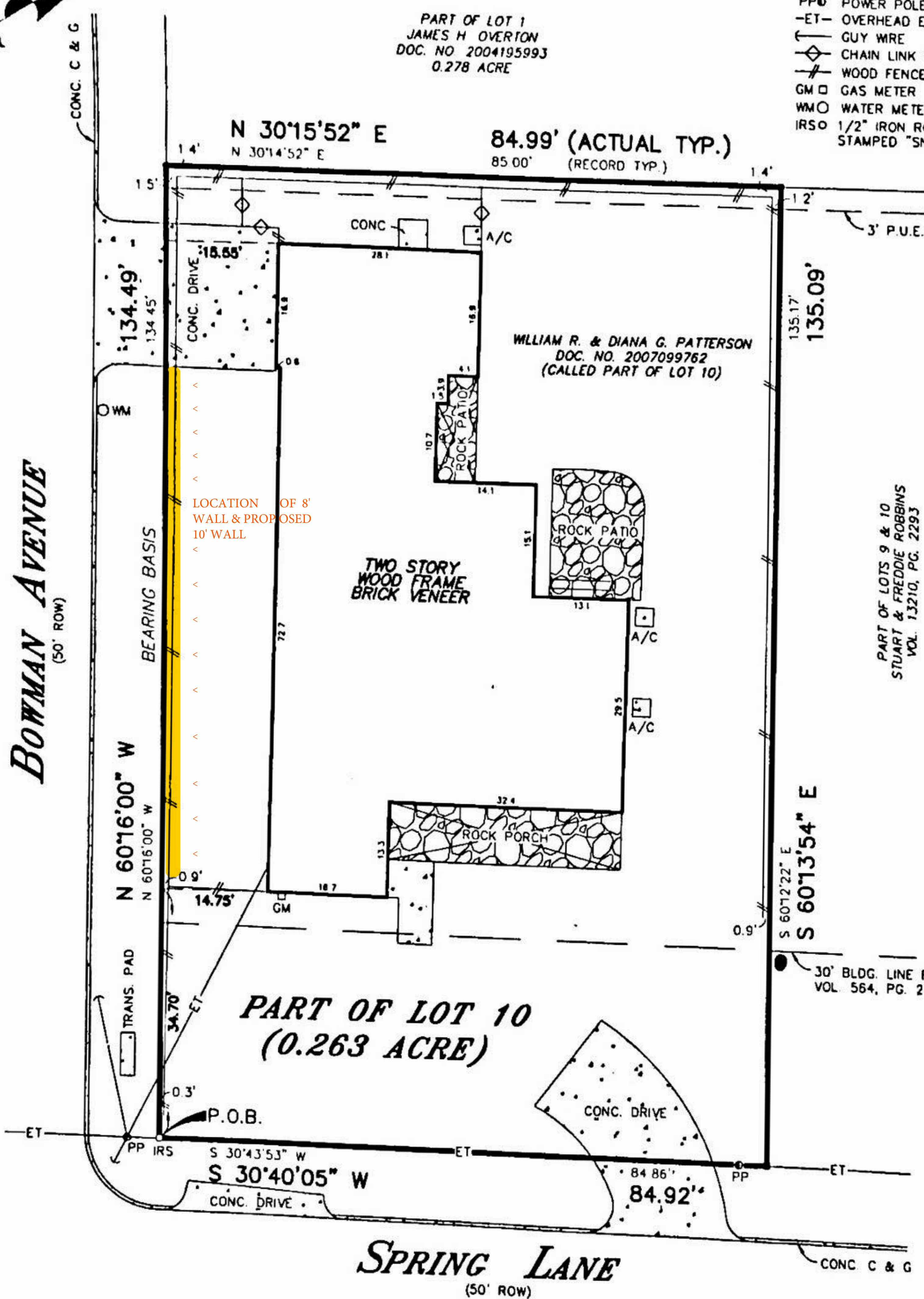
 for  
Jessica Cohen

LEGEND

- PP POWER POLE
- ET OVERHEAD ELEC./TELE. LINE
- GUY WIRE
- ◇ CHAIN LINK FENCE
- ≡ WOOD FENCE
- GM GAS METER
- WM WATER METER
- IRS 1/2" IRON ROD SET W/CAP STAMPED "SNS"

PART OF LOT 1  
 JAMES H OVERTON  
 DOC. NO 2004195993  
 0.278 ACRE

**BOWMAN AVENUE**  
 (50' ROW)



**PART OF LOT 10  
 (0.263 ACRE)**

**SPRING LANE**  
 (50' ROW)

PROPERTY SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN VOL. 564, PG. 214 AND VOL. 668, PG. 592, DEED RECORDS.

\* 0.263 ACRE OF LAND, MORE OR LESS, OUT OF LOT 10 (FIELD NOTES ATTACHED)

**PLAT OF SURVEY**

Survey No. 1276

SCALE 1" = 20'

GF 201200428

Said lot is in Zone X as identified by the Federal Emergency Management Agency on Community Panel No 48453C 0445H Dated SEP. 26, 2008

5 feet offset - see Annex.

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

LOT NO.      BLOCK NO.       
 ADDITION OR SUBDIVISION FOX SCHMIDT SUBDIVISION, VOLUME 4, PAGE 138, PLAT RECORDS  
 STREET ADDRESS 2500 SPRING LANE CITY AUSTIN COUNTY TRAVIS  
 SURVEY FOR COLONIAL NATIONAL MORTGAGE REFERENCE WILLIAM R. & DIANA G. PATTERSON  
 TO HERITAGE TITLE COMPANY OF AUSTIN, INC & FIRST AMERICAN TITLE INSURANCE CO



STATE OF TEXAS, COUNTY OF TRAVIS  
 I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON  
**SNS ENGINEERING, INC.**

9801 Anderson Mill Road, Suite 209  
 Austin, Texas 78750

(512) 335-3944 \* (512) 250-8885 (Fax) JM 581/56, 613/03, 631/72

*Leslie Vasterling*  
 Date: 02-28-2012