CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM05

DATE: Monday October 12, 2026 **CASE NUMBER: C15-2026-0035**

____Y____Joseph El Habr (D1)
____Y____Bianca A Medina-Leal (D2)
____Y____Corry L Archer-McClellan (D3)
____Y____Yung-ju Kim (D4)
____Y____Melissa Hawthorne (D5)
____Y____Haseeb Abdullah (D6)
____-____VACANT (D7)
____Y____Margaret Shahrestani-Vice Chair (D8)
____Y____Brian Poteet (D9)
____Y____Michael Von Ohlen (D10)
____Y____Jeffery L Bowen-Chair (M)
____-____VACANT (Alternate) (M)
____-____Suzanne Valentine (Alternate) (M)
____-____VACANT (Alternate) (M)

APPLICANT: Victoria Goodman

OWNER: Mark Sainsbury

ADDRESS: 4523 AVENUE G

VARIANCE REQUESTED: The applicant is requesting a variance from the Land Development Code, Section 25-2-899 (*Fences as Accessory Uses*) to increase the height from eight (8') feet (maximum allowed) to nine feet (9') (requested) (6 ft. solid + 3 ft. trellis), in order to maintain a fence along interior side property line (N/NE) & rear property line (E/SE) in a "SF-3-NCCD-NP", Single-Family-Neighborhood Conservation Combining District-Neighborhood Plan zoning district (Hyde Park Neighborhood Plan).

***Note**: The Land Development Code 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 a height of six feet measured from the natural grade up.
(E) If there is a change in grade of at least one foot measured along any run of a solid fence along a property line, then the portion of the fence where the grade change occurs may be constructed to a maximum height of seven feet.

(F) 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

(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.

(G) 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.

(H) 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.

(I) Except as provided in Paragraph (1), a fence shall be constructed in accordance with this subsection.

(1) This subsection does not apply to a fence that:

(a) was constructed before July 31, 2023; or

(b) is more than six feet in height and located on a property with a non-residential use.

(2) When more than 50 percent of the total linear distance of an existing fence is replaced, the entire fence must comply with this subsection.

(3) For new or replacement fences that follow historic design standards, this subsection will control if there is a conflict with the historic design standards.

(4) A fence may not include:

(a) spiked pickets, spiked bars, or other spiked decorative elements above the top horizontal backer rail;

(b) vertical pickets above the top horizontal backer rail if the vertical pickets are separated by more than two inches and less than nine inches;

(c) razor-like wire; or

(d) barbed wire unless the fence is enclosing an airport or other landing area for aircraft and the use of barbed wire is required by Federal Aviation Administration regulation.

(5) A fence that creates a substantial risk of entrapment or impalement is prohibited.

(6) A solid chain link fence shall use knuckle selvage.

(J) A fence used as a swimming pool barrier shall comply with Chapter 25-12, Article 14 (Swimming Pool and Spa Code).

Source: Section 13-2-308; Ord. 990225-70; Ord. 031211-11; Ord. 050127-64; Ord. No. 20141120-181, Pt. 1, 12-1-14; Ord. No. 20230720-156, Pt. 2, 7-31-23.

BOARD'S DECISION: September 14, 2026 Vice Chair's motion to postpone to October 12, 2026, Board member Melissa Hawthorne second on 7-0 votes; POSTPONED TO OCTOBER 12, 2026, NOT ENOUGH BOARD MEMBERS FOR VOTING PURPOSES. October 12, 2026, The public hearing was closed by Chair Jeffery Bowen, Board member Haseeb Abdullah's motion to approve, Board member Melissa Hawthorne second on 10-0 votes; GRANTED.

FINDING:

1. The Zoning regulations applicable to the property does not allow reasonable use because: the swimming pool could potentially be a hazard and safety requires higher-than-normal fencing and a three-foot ornamental topping discourages climbing while not creating a visual barrier.

2. (a) The hardship for which the variance is requested is unique to the property in that: the in-ground swimming pool is open year around, the 3-foot trellis above the 6 foot solid fence greatly adds to the difficulty a child might find in climbing a fence, the fence for which the variance is sought is an extension of the existing fence on the eastern boundary.

   (b) The hardship is not general to the area in which the property is located because: it is on the southern neighbors on property 4517 Avenue G and they share a fence with a Thrillist variance received in 2009.

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 neighbors on the east have already established climbing vines on the trellis and doesn't affect the trees.

Elaine Ramirez
Executive Liaison

Diana Ramirez for
Jeffery Bowen
Chair