

**CITY OF AUSTIN
BOARD OF ADJUSTMENT
DECISION SHEET**

 Y Greg Smith (2nd)
 N Barbara Aybar
 N Bryan King
 Y Leane Heldenfels, Vice Chair
 Y Frank Fuentes, Chair
 N Betty Edgemond
 Y Michael Von Ohlen (1st)

DATE: August 13, 2007

CASE NUMBER: C15-06-150

APPLICANT: Phil Moncada

OWNER: Ruben Rodriguez

ADDRESS: 328 Heartwood

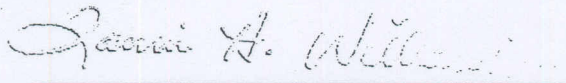
VARIANCE REQUESTED: The applicant has requested a variance from the maximum fence height requirement of Section 25-2-899 (D) from 6 feet to 13 ½ feet at the highest point (along the rear property line) in order to maintain a fence for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. The Land Development Code states that a solid fence constructed along a property line may not exceed an average height of six feet or a maximum height of seven feet.

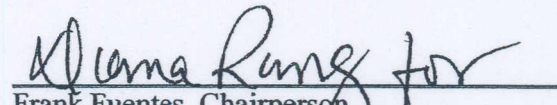
BOARD'S DECISION: TO GRANT BUT DUE TO NOT ENOUGH VOTES, CASE IS DENIED 4-3

FINDINGS:

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:


Tammie Williamson, Executive Secretary


Frank Fuentes, Chairperson