

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, May 12, 2014

**CASE NUMBER:** C15-2014-0062

<u>Y</u>	Jeff Jack	
<u>Y</u>	Michael Von Ohlen	<b>Motion to PP to June 9, 2014</b>
<u>Y</u>	Ricardo De Camps	
<u>Y</u>	Bryan King	
<u>Y</u>	Fred McGhee	<b>2<sup>nd</sup> the Motion</b>
<u>Y</u>	Melissa Hawthorne	
<u>Y</u>	Sallie Burchett	

**APPLICANT:** William L. Hodge

**OWNER:** George Blume

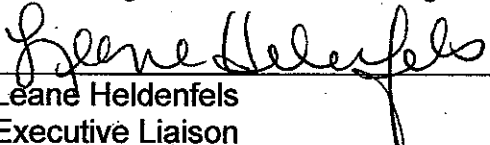
**ADDRESS:** 2601 CANTERBURY ST

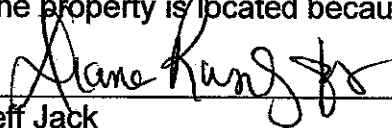
**VARIANCE REQUESTED:** The applicant has requested a variance to Section 25-2-492 (D) of the Site Development Regulations to decrease the lot width requirement from 50 feet to 49 feet (existing) in order to re-subdivide this property in an "SF-3-NP" Family Residence zoning district. (Holly)

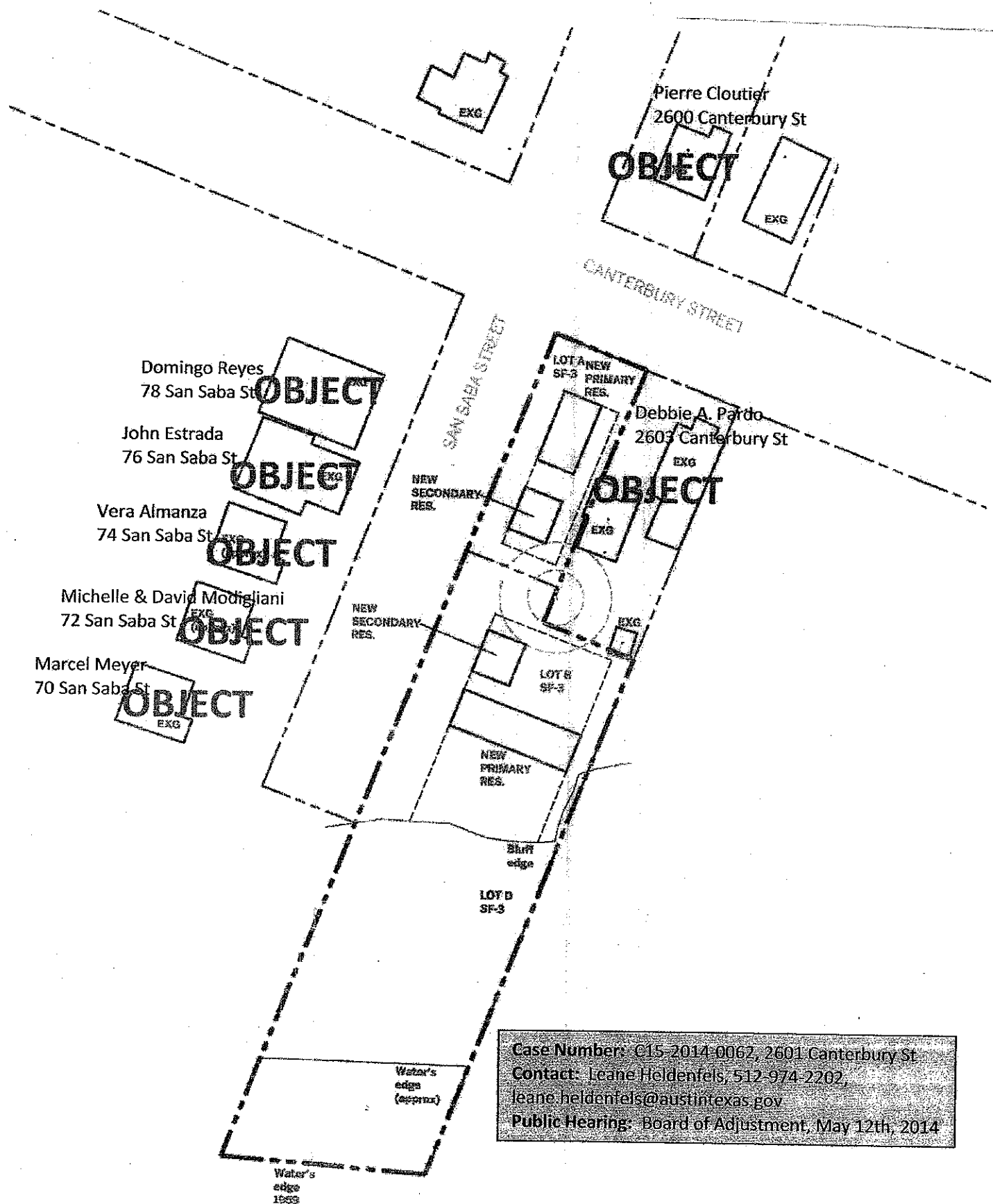
**BOARD'S DECISION:** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to June 9, 2014, Board Member Fred McGhee second on a 7-0 vote; **POSTPONED TO JUNE 9, 2014.**

**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:

  
Leane Heldenfels  
Executive Liaison

  
Jeff Jack  
Chairman



Case Number: C15-2014-0062, 2601 Canterbury St  
Contact: Leane Heldenfels, 512-974-2202,  
leana.heldenfels@austintexas.gov  
Public Hearing: Board of Adjustment, May 12th, 2014

Potential subdivision of  
2601 Canterbury St 78702  
FULL RESUBDIVISION  
1" = 60'-0"  
03-25-2014

NOTE: EXISTING CONDITIONS  
LOCATED PER CITY OF AUSTIN GIS  
AND ARE APPROXIMATE.

May 11, 2014

To the Austin Board of Adjustment and Whom it May Concern:

1. We, the property owners most directly impacted by the proposed development at 2601 Canterbury St., firmly oppose the variance request for the re-subdivision of River View Addition Block 8, Lot 1 and part of Lot 2, case number C15-2014-0062. This letter is signed by every homeowner adjacent to or abutting the proposed development.

2. Per the application to the city, the variance request is intended to double the current building entitlement of two structures to a new entitlement of four structures. This variance, if granted, would significantly jeopardize safety, services and quality of life for the residents of San Saba St and Canterbury St.

The proposed re-subdivision runs along a block of San Saba St that is already extremely congested. Driveways are small, and all driveways except for one are the width of a single car. There is a rough average of three vehicles per household on the street. This reality means that both the east and west sides of the 70-79 block of San Saba Street are routinely packed with vehicles and family street activity.

The other critical issue is that San Saba St is a narrow Dead-End Street, and only allows traffic to move in one direction at a time. When vehicles are parked on both sides of the street, as is usually the case, even one-way traffic is challenging. Vehicular collisions have resulted from the cramped space. Small children living and visiting in the area, as well as dogs and other pets, are often difficult for drivers to see. Police, ambulance, fire and other emergency vehicles, as well delivery vehicles and City of Austin garbage trucks, are confronted with an extremely difficult point of access to the existing homes on the street -- particularly challenging in the case of a multi-vehicle call. We have elderly homeowners on this block who have had to call EMS in the past; that emergency access would be furthered hindered by this proposed development overflow. By reducing parking places, adding vehicles to the street, and increasing congestion, each proposed additional structure would increase the potential for blocking emergency access of the street

If the variance is granted, we might safely assume anywhere from 8-12 new vehicles in addition to the increased traffic of vendors, city services, deliveries and visitors. This is not sustainable for the street as-is. We understand the 2601 Canterbury St lot will be built upon at some point, but when it does, the access to any structure on the lot needs to be from Canterbury St, from the *existing* driveway for that lot. Canterbury St has plenty of access space, good site lines and street parking.

The proposed re-subdivision and additional structures it would permit would cause at least three new curb cuts on the east side of the street, further limiting existing parking. San Saba St could not even accommodate one new curb cut, much less three. To date, there has been no driveway on the east side of San Saba St. Adding driveways would fundamentally degrade the character and safe livability of the street.

3. Also to be considered is the increasing traffic flow and parking overflow caused by the escalating commerce on Cesar Chavez St, an example of which is the new Juiceland store on the corner of San Saba St and Cesar Chavez St, which is already pushing customer/neighborhood parking back toward our livability zone. This issue will only increase over time and further impact the congestion and turn-arounds at the San Saba St dead-end.

4. The application describes the proposed addition of four structures as in keeping with the character of the homes *across* the street. This comparison is overtly misleading because the homes on the west side of the 70-79 block of San Saba St sit on deeper, east-west-oriented lots which allow for driveways and backyards. You could not mirror this west side San Saba St image of homes/layout on the 2601 Canterbury St lot because there simply isn't room for it. The Canterbury St lot is not set-up to accommodate this volume or orientation of homes, hence the need for the developer to seek a variance in order to fit the proverbial size 12 shoe in the size 9 shoe box. The 70-79 block of San Saba St is the exception to the rule in terms of the number of houses on it, which is why we experience such heightened street congestion. As

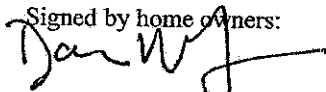
you drive north from our block, the number of homes per block drops *significantly*. The developer is trying to make a case using the exception and not the rule along San Saba St.


5. It should be noted that the property owners signing below are not members of the Holly Neighborhood Coalition, or any other official neighborhood association from which the applicant may have secured endorsement. In fact, no neighborhood association consulted with any of us to ask for our input before endorsing this proposed development. With all due respect, the neighborhood associations do not speak for us, nor do they directly represent the interests of those of us who experience the existing traffic and access challenges of the street and intersection on a daily basis.

6. The building entitlements on these lots were clear and available for review to the owner upon purchase. The peculiarities of the adjoined lots -- "landlocked" etc. -- and the extent to which they may affect the owner's ability to maximize profit from development of the property are not the responsibility of the neighboring families, whose quality of daily life, and right to the safest street possible, would suffer significantly from the doubling of permissible structures.


We urge the board not to grant the variance, conditionally or otherwise.

Signed by home owners:

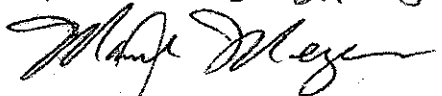

  
DAVID MODIGLIANI  
72 SAN SABA ST.

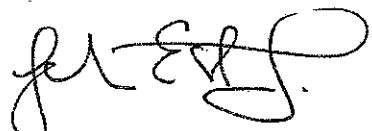
  
Michelle Modigliani  
72 San Saba St.

Debbie A. Pardo  
2603 Canterbury St  
78702

Pierre Cloutier  
  
2600 Canterbury St. 78702

78 SAN SABA  
DOMINGO REYES 78702  
DOMINGO REYES

Marcel Meyer  
70 San Saba St  
  
  
76 SAN SABA

  
74 SAN SABA  
Arstid Reyes  
78702

Saturday, May 10, 2014

16

Dear Leane and the Austin Board of Adjustment,

Regarding the development of 2601 Canterbury St, case number C15-2014-0062, and the developer's request for a variance to decrease lot width requirements and re-subdivide the property, myself and my neighbors strenuously object to these plans. It is our understanding the developer wants to cram 4 separate houses onto this one empty lot on Canterbury St. In order to pack so many houses onto a single lot, the developer is asking the City to break its own rules on width requirements and doubling the permissible building improvement allotment. Also, in order to service the population of the proposed houses, new driveways would have to be installed on the east curb of the 70-79 block of San Saba St (the street which sides the Canterbury St lot). These new driveways would create serious, profound, day-to-day problems for the families that live on this block. We already suffer a serious shortage of street parking and the addition of new driveways would reduce the already restricted room to park and live. We barely have enough space for homeowner vehicles, EMS access, garbage trucks etc. as it is.

We understand the empty lot at 2601 Canterbury St will be built upon at some point. As much as we would hope, we don't expect this green space to stay green forever. But we would strongly desire to safeguard its development to only what is actually allowed by the City, and access to any new structure should only be *from the existing driveway on Canterbury St*.

Austin developers seem to be in a race to fill every square inch of buildable land. The more developers build, the more people move to Austin. Each newly-built house acts as a high-powered magnet to draw more people to Austin. And each new home increases impervious ground cover and causes precious rain water to run-off. As a result of this developer craze, the Austin population is exploding and unsustainable. As the City is well aware, this unsustainable development rush is causing *severe* water shortages, stressing infrastructure and causing historic traffic problems. Even after 2009, when Lake Travis started its terrifying decline in water reserves, for reasons that defy understanding, developers continued to hammer away at building house after house in Austin, drawing more and more people to move here and putting unparalleled stress on our dwindling water resources. This proposed housing development is a part of this overall systemic problem. As a city, we should be building *less houses*, not more. At this point, our collective political and cultural will should be devoted toward scaling down our consumption, not increasing it. This proposed multi-house development on 2601 Canterbury St would be infuriating for the people who live adjacent to it and it would create even more magnets to invite additional people to move to Austin.

As one of many home owners who would be severely and negatively-impacted by this proposed multi-home development, we implore the City of Austin to please stand with us and reject the proposed variances and over-development of this quiet, grassy lot on Canterbury St.

Thank you,

Marcel Meyer (Home Owner)  
70 San Saba St, Austin, TX 78702

There are no existing driveways along the east curb of the 70-79 block of San Saba St. Adding even one driveway would reduce the already very limited street parking. This block of San Saba St is constantly congested with cars and street activities from existing families who have lived on this block for years. We are opposed to adding any driveways on the east curb of San Saba St. The existing congestion has already caused car collisions due to the extremely crowded street. We do not have enough parking or space as it is. In order to maintain EMS, Fire, garbage truck, delivery access, etc and for the safety of all surrounding neighbors, we ask that any home built on 2601 Canterbury St be accessed from the existing driveway on Canterbury St. *Thank you.*

2601 Canterbury St



We request that any home built on 2601 Canterbury St be accessed from the existing driveway on Canterbury St where there is abundant space, clear site lines and street parking for guests.

The 70-79 block of San Saba St is always full of vehicles & family activities. Less street parking would cause more frustration and unsafe maneuvering conditions for the families who live on this block. We ask the City of Austin to please consider our safety & livability.



**Case Number:** C15-2014-0062, 2601 Canterbury St  
**Contact:** Leane Heldenfels, 512-974-2202,  
 leane.heldenfels@austintexas.gov  
**Public Hearing:** Board of Adjustment, May 12th, 2014

Heldenfels, Leane

C15-2014-0062

**From:** Elizabeth Melvin ~~elizabeth.melvin@cityofaustin.com~~  
**Sent:** Monday, May 12, 2014 2:30 PM  
**To:** Heldenfels, Leane  
**Subject:** Re: 2601 Canterbury variance case backup

IL

Leane,

Thank you for calling me back and forwarding the information. I don't have official comments relating to this specific variance request other than it surprises me he wasn't able to be grandfathered in on being able to use the 49' front as is.

I can see he needs it if he re-plats, but didn't see the reason to replat due to the 49' front or other claimed hardships.

I think a few neighbors on the San Saba street side of this project plan to attend the meetings. Their concerns are the volume of driveways that are being proposed to exit onto San Saba, which is a narrow street. There is some precedence for a very low number of curb cuts on the north/south directional streets in the neighborhood, of which San Saba is one.

Thanks again for your reply.

Regards,  
Elizabeth

On Tue, May 6, 2014 at 10:45 AM, Heldenfels, Leane <[Leane.Heldenfels@austintexas.gov](mailto:Leane.Heldenfels@austintexas.gov)> wrote:

Sorry we didn't have this info uploaded onto the City website when you looked, we try to get it all up there before the notices go out, but just got behind this month.

So, the sketch he provided is a graphic display of how his resubdivision will look. I think he's going to BOA first before he makes his subdivision application and I think the lot width is the only variance he's asking for, but you could inquire with the lake front board and see if he's applied for the setback variance with them yet, could be that he doesn't know of the restriction since it wouldn't necessarily be a comment to him until the subdivision is reviewed.

In any case, we welcome your comments on the case if you want to reply to this email I can print that out, or send in the form that should have come in the mail and scan and attach it, or mail it back to us, and we'll put it in the Board's late backup that they received on the dais at the meeting. You are also welcome to come to the meeting, though we start at 5:30 on Monday at City Hall, we won't get to new cases until probably 9pmish, and this case will be 8<sup>th</sup> new case, so might be closer to 10pm or later when the Board actually gets to it.

Take care –

Leane Heldenfels

Board of Adjustment Liaison

**Heldenfels, Leane**

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**From:** David Modigliani [REDACTED]  
**Sent:** Monday, May 12, 2014 9:25 AM  
**To:** Heldenfels, Leane  
**Cc:** Marcel M; pierre.cloutier.pc; jpestrada76@yahoo.com; Michelle Modigliani  
**Subject:** Letter from 7 adjacent property owners for tonight's meeting // # C15-2014-0062  
**Attachments:** C15-2014-0062, 2601 Canterbury St - Property Owners in Opposition.pdf

Dear Ms. Heldenfels,

Thank you for your work informing the neighbors of the proposed re-subdivision at 2601 Canterbury St.

The 7 property owners most directly impacted by the proposed variance and intended development have drafted and co-signed the attached letter. I am also attaching a map from the developer's application, marked to indicate the property owners that oppose the variance.

I will not be able to attend tonight's meeting, but my wife Michelle and neighbor// fellow property owner John Estrada plan to attend.

Might you please (1) confirm receipt of this document and your ability to put it in the hands of the board and (2) help guide us as to what time/order this case may come before the board this evening?

Thank you again for your work. Please feel free to write to me or call with any thoughts or questions: 512.698.6967.

All best,

David Modigliani  
72 San Saba St.

--  
David Modigliani I Co-Founder & Creative Director I FLOW NONFICTION  
o: 512.243.8190 I v [REDACTED]



If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

ROW

CASE # C15-2014-0062  
# 11122975  
Taxroll # 0200100402

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2601 Canterbury Street 78702

LEGAL DESCRIPTION: Subdivision - Riverview  
1 + S

Lot(s) 90' of Block 8 Outlot 41-42 Division 0

Lot 2  
I/We William Hodge AIA on behalf of myself/ourselves as authorized agent for  
GHB3 Design LLC affirm that on March 25, 2014

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

    ERECT     ATTACH X COMPLETE     REMODEL     MAINTAIN

a proposed resubdivision of aforementioned tract, with a  
variance from lot width requirement of 50' and an allowance  
for a lot width of 49' at Canterbury Street for proposed  
lot A (see attached proposed plat, with the intention of developing one  
two-family development on each lot, consisting of one primary house and  
one 850sf-maximum secondary apartment as allowed by the neighborhood plan,  
in a SF-3-NP (Holly) district.  
(zoning district)

**NOTE: 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 support documents.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:  
while the tract as a whole is large enough for two lots meeting 5750sf minimum lot size requirements, the width of current lot 1 (49', platted in 1918 prior to zoning restrictions) curtails the ability to utilize the use of the tract to its legal and reasonable maximum.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
this property includes a lot portion that does not front a city street, requiring resubdivision in order to utilize the tract to its legal and reasonable maximum, and rendering the lot portion valueless unless the lot portion is included in a resubdivision.

(b) The hardship is not general to the area in which the property is located because:  
it is the only tract in its vicinity which includes a landlocked lot portion - other tracts in its vicinity which include lot portion(s) have been rendered exempt from platting, which this property is not.

**AREA CHARACTER:**

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 use on the adjacent property is non-conforming, encroaching upon and into the tract in question; the uses on conforming properties across San Saba St consist of five properties fronting San Saba St, and the proposed development would have a similar character.

**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 Section 479 of Chapter 25-6 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 reasonable 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:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed William Hodge AIA Mail Address 4801 S Congress Ave N3

City, State & Zip Austin, Texas 78745 hodge@ochoa.com

Printed William Hodge AIA Phone 512-786-9298 Date 3/25/14

**OWNERS CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.


Signed George H Blume for GHB Mail Address 602 Brushy St #302

City, State & Zip Austin, Texas 78702


George H Blume for GHB


Printed Design LLC Phone 512-786-9298 Date 3/25/14






N

 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

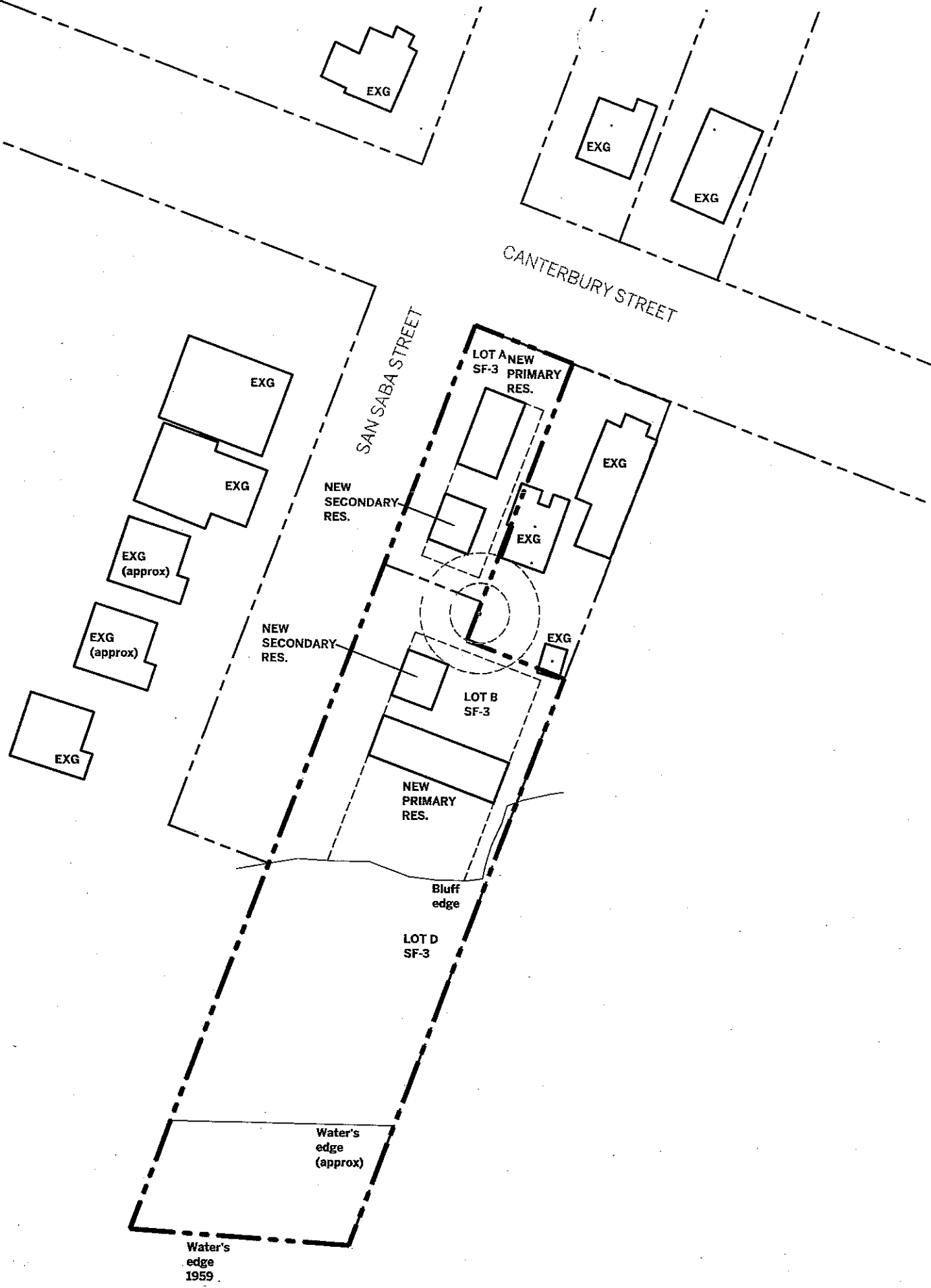
CASE#: C15-2014-0062  
Address: 2601 CANTERBURY STREET

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





Potential subdivision of  
2601 Canterbury St 78702  
FULL RESUBDIVISION  
1" = 60'-0"  
03.25.2014

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