

Address: 71 Julius St, Austin, TX

Homeowners:

Dan Coops and Amy Ruhl-Coops

Variance request: Waterfront Overlay

- Residential home re-build in secondary setback
- Impervious cover from 30% → 36.8%



## 71 Julius Street

← The Austin lot we purchased had three very old buildings which had been vacant for several years (back yard view)



We have planned to build these two homes on the lot →



1 Street West View  
1142.86

## **Why this lot?**

It is large enough to accommodate building both our home and a home for my wife's parents

## **History**

We sold our primary home in north Austin in order to purchase the Julius lot. We moved into an apartment.

Building plans were assembled, architecture plans completed. Structural plans completed. Water/wastewater plans completed. Everything has been paid for and the plans have been ready to go.

In Dec 2019 when ready to submit building permits, Surprise! There is a thing called a Waterfront Overlay that we had never heard of, doesn't show up on the property profile, doesn't show up anywhere unless you know the secret layer to turn on in the GIS viewer, and yet it is suddenly blocking all progress.

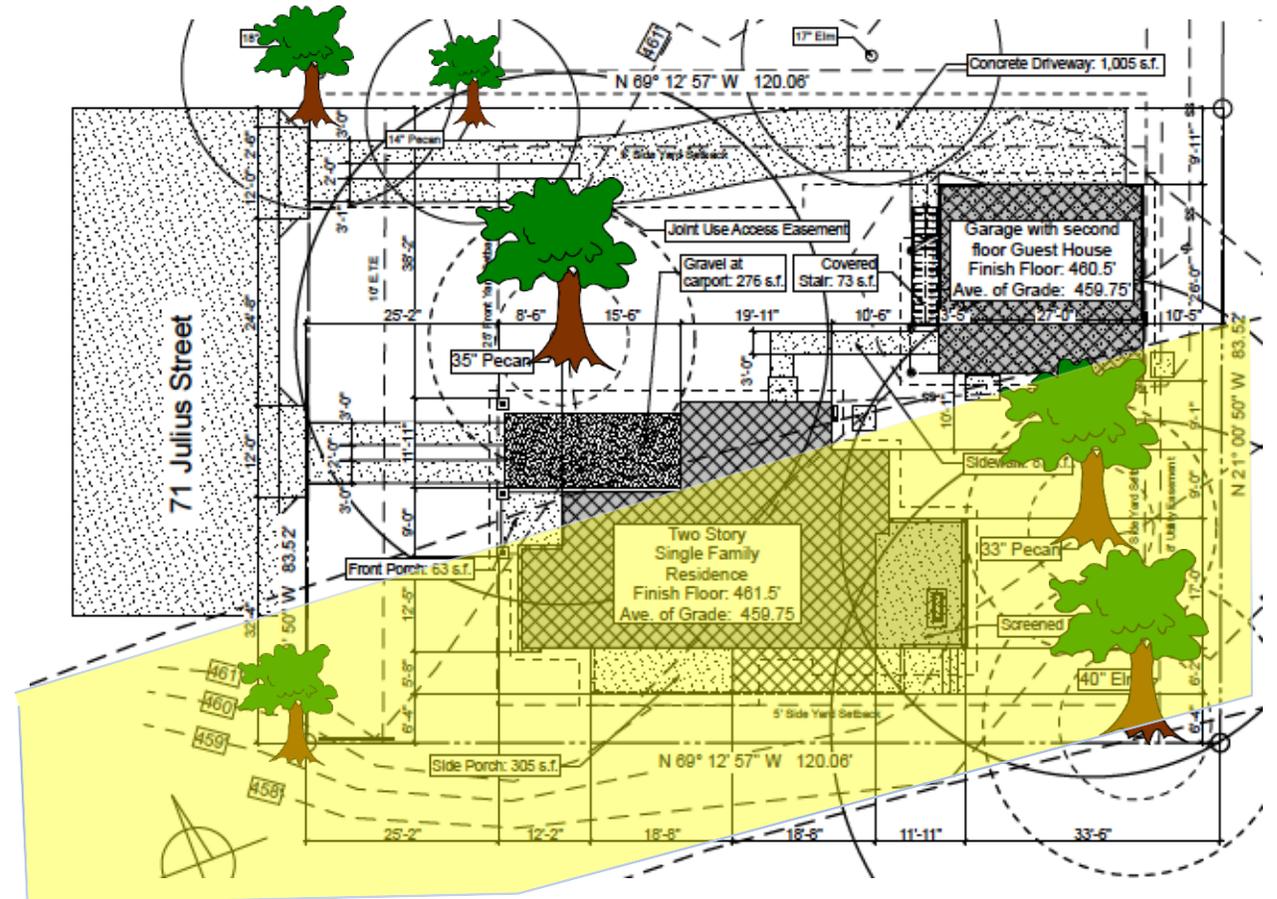


The 35" heritage pecan

- The W.O. restriction is in direct conflict with preservation of the 35" pecan
  - We love the big trees and we were committed to preserving them
  - However cannot place a house further north (out of secondary setback) due to the 35" pecan

- Cannot accept the loss of use of the land that both of those two city restrictions would impose

- If we get denied on the W.O. variance, that denial leads to the tree removal variance



# The proposed plan which needs the W.O. variances is good for Austin

1. Preserves the 35" pecan
2. Increases housing: total four dwelling units compared to three at time of purchase
3. Replaces uninhabitable and long-vacant units with livable homes
4. Provides adequate off-street parking so that the street can continue to be used for basketball
5. Minimizes risk of flooding and run-off by reducing the permeable surface impact by eliminating one driveway by having a shared driveway between units, as well as uses rainwater collection barrels
6. Does not obstruct the view of the water (because the view is really of trees)
7. Does not obstruct the view of the shoreline from the water (because the view is really of trees)

## Summary of other points why the W.O. variances should be granted:

1. There has been a house on this site, in the same place as the proposed build, since before 1975
  - We purchased the lot for the explicit purpose of building our house in the only buildable space between the trees
  - The old house was in the secondary setback; The old house coverage was about the same as the proposed house
2. Multiple homes in the immediate neighborhood have been built in the same secondary setback over a wide range of years
  - And they are closer to the water
  - And they are higher density
3. Because 71 has an adjacent green space, there is a conflicting city ordinance that permits much higher density than the secondary setback rule (much higher than we want or need)
  - But the board has so far arbitrarily chosen to ignore that ordinance
4. We have **8 letters of support** from immediate neighbors to build the plan and there is **no opposition**

Thank you

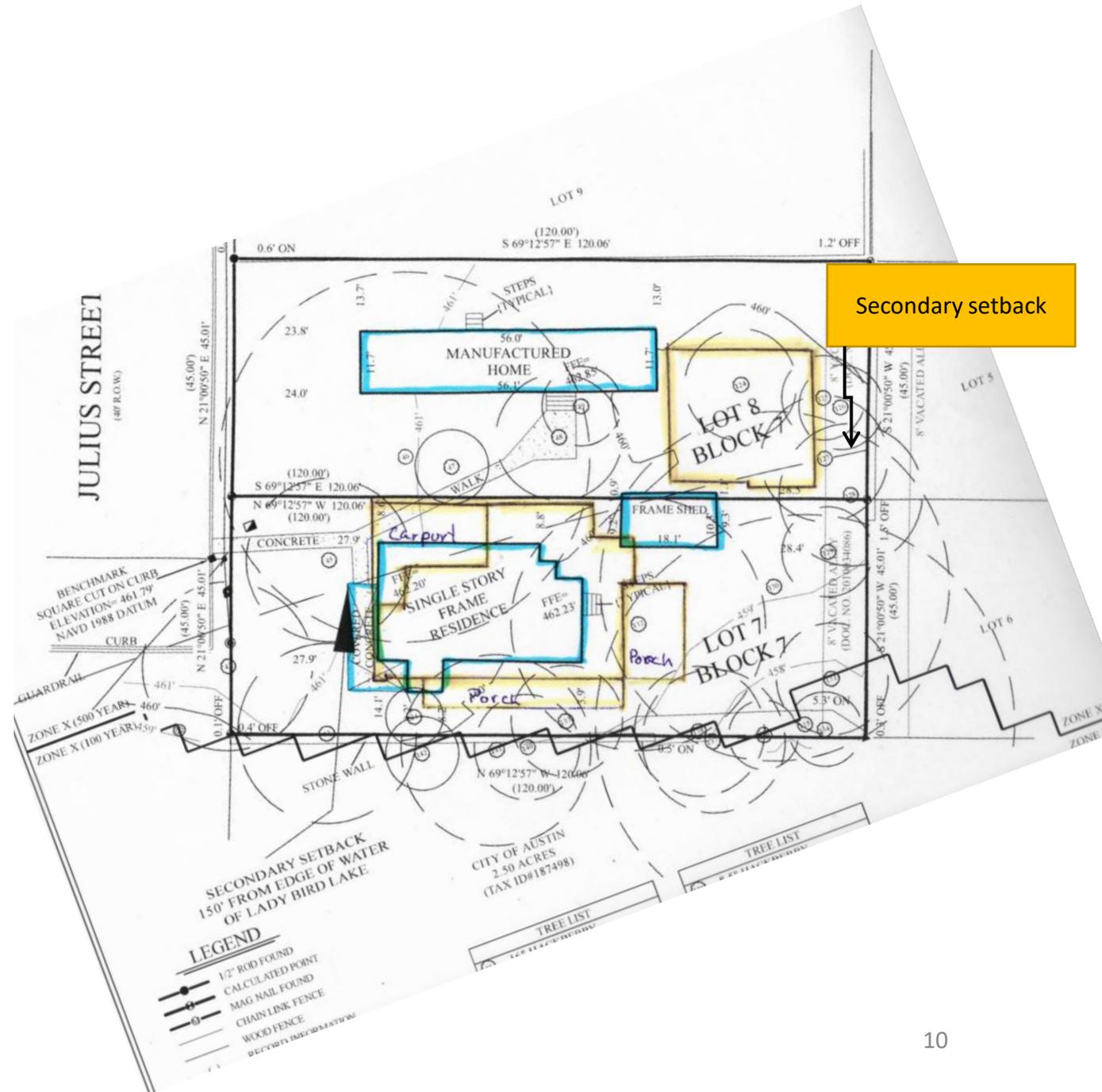
## **BACK UP**

Details and pages from previous presentations

## Details: Point 1

There has been a house on this site all along in the same place that we want to build

- **Blue outline:** structures on lot when we purchased (been there since 1975); Main house was mostly inside the setback
- **Yellow outline:** proposed design

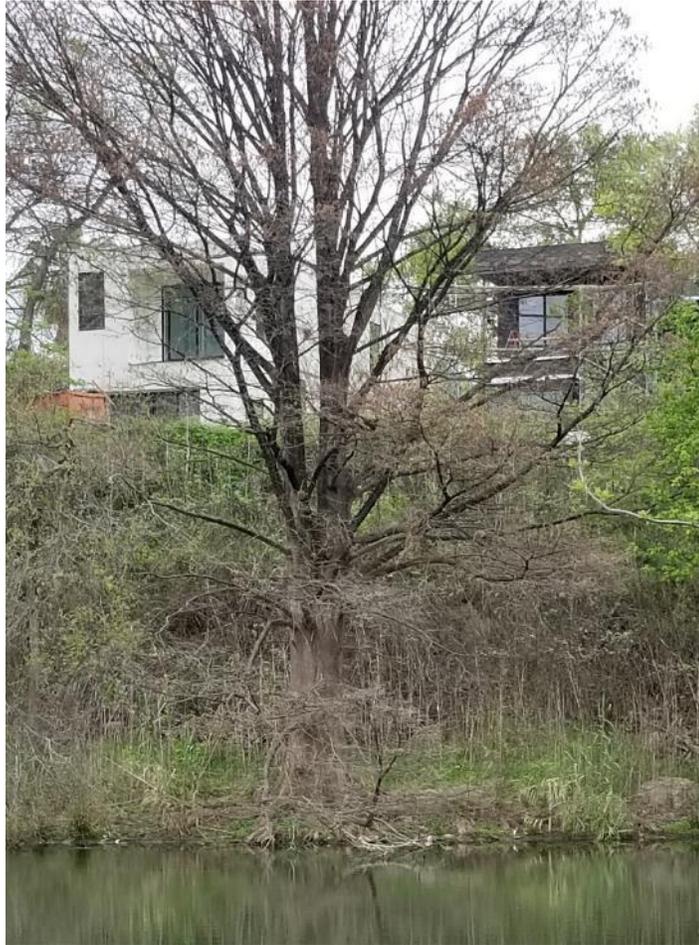


## **Details: Point 2**

Multiple homes in the immediate neighborhood have been built in the secondary setback

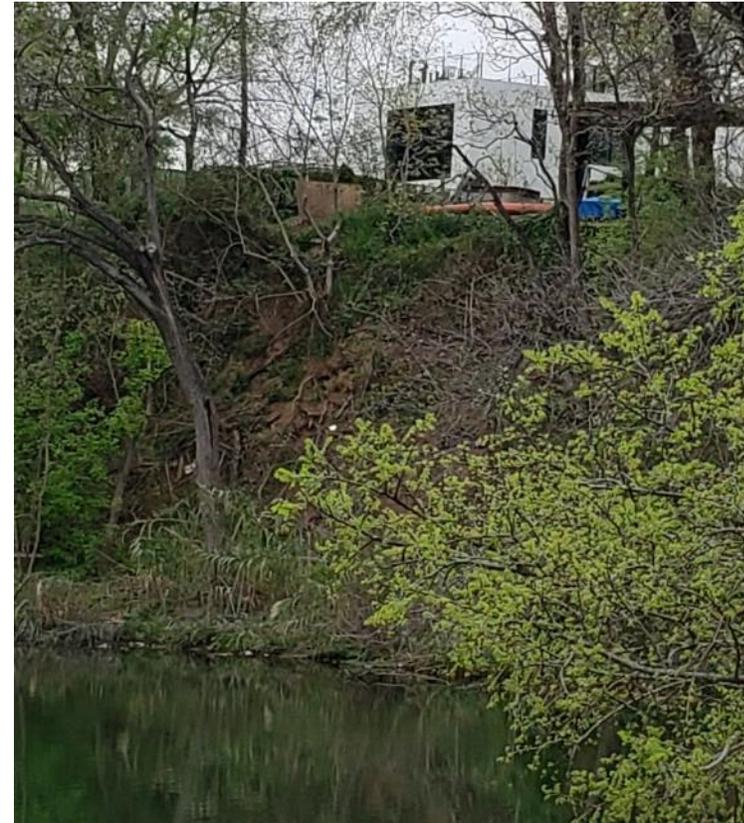
- See pictures next two pages

**New construction has been allowed recently in this neighborhood where the city chose not to apply / enforce the waterfront overlay code for residences (in addition to others built in the secondary setback prior to the W.O. ordinance)**



71A San Saba

71B San Saba



2711 Canterbury



## **Details: Point 3**

As there is an adjacent green space, there is a conflicting city ordinance that permits much higher density than the secondary setback rule (much higher than we want or need)

- But the city board is arbitrarily choosing to ignore that ordinance and instead focus only on restricting us with the secondary setback
- See the ordinance on the next page that is being ignored

## Details: Point 3 (continued)

Because 71 has an adjacent green space, there is a conflicting city ordinance that permits much higher density than the secondary setback rule (much higher than we want or need)

- But the city is arbitrarily choosing to ignore that ordinance and instead focus only on the secondary setback

Our request is asking for only 36.8% I.C. in the W.O. secondary setback

Section 25-2-556 allows up to 55% I.C.

§ 25-2-556 - **ADDITIONAL IMPERVIOUS COVER** IN SINGLE-FAMILY STANDARD LOT (SF-2) AND FAMILY RESIDENCE (SF-3) DISTRICTS.

- (A) In a single-family standard lot (SF-2) or family residence **(SF-3)** district, the building official may approve impervious cover of up to **55 percent** on a lot after determining that the requirements of this section are satisfied.
- (B) The principal use of the lot must be a **residential** use.
- (C) The lot must be included in a plat that was recorded before January 2, 1989.
- (D) The lot must **adjoin open space**, including a golf course or regional park, and the open space:
  - (1) must not contain a significant amount of impervious cover;
  - (2) must not be likely to be developed with a significant amount of impervious cover;
  - (3) must contain at least twice the area of the adjacent lots; and
  - (4) must not be separated from the lot by an impervious barrier, including street pavement or a paved plaza.
- (E) A variance from a required building setback on the lot must not have been granted or requested, and the owner of the lot must agree not to request a variance from a required building setback.
- (F) A development intensity transfer affecting the open space must not have been granted.

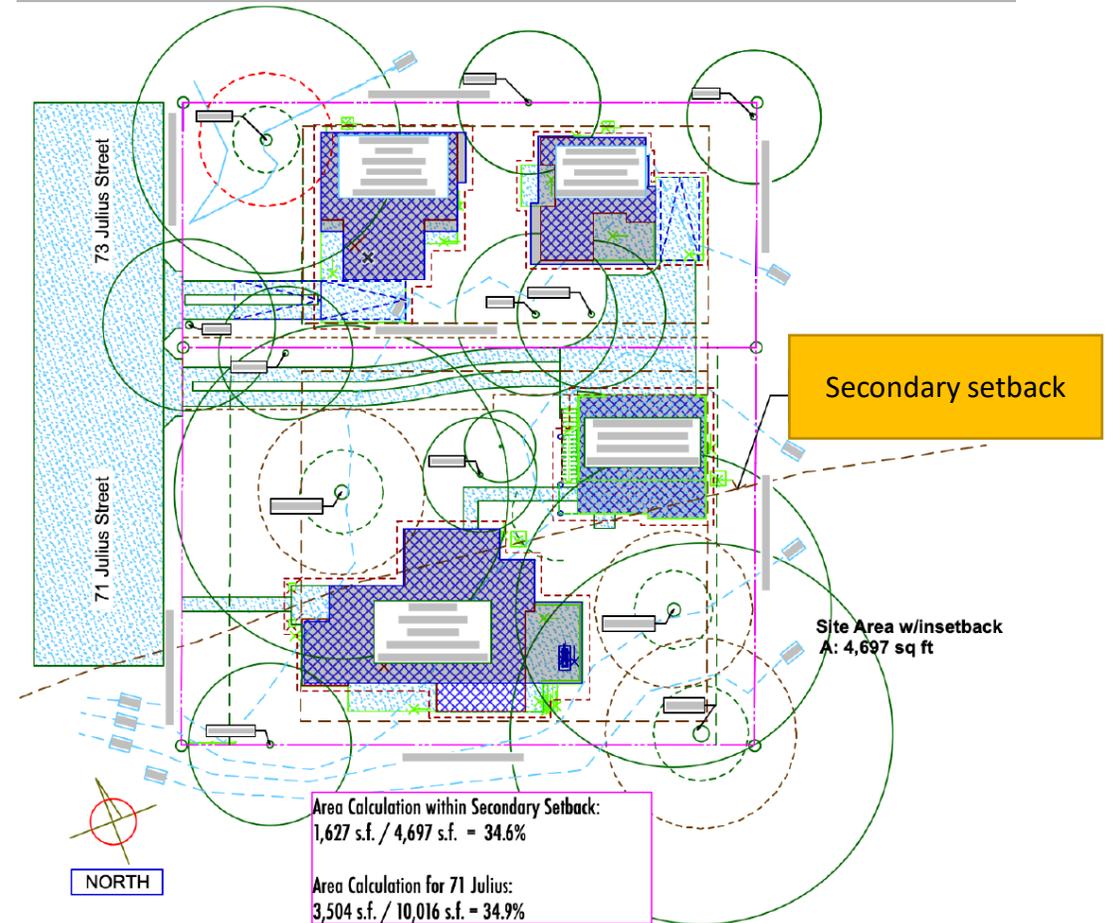
Source: Sections 13-2-634(b) and 635(d); Ord. 990225-70; Ord. 031211-11.

# Different city regulations constrain building on the lot in literally opposite directions

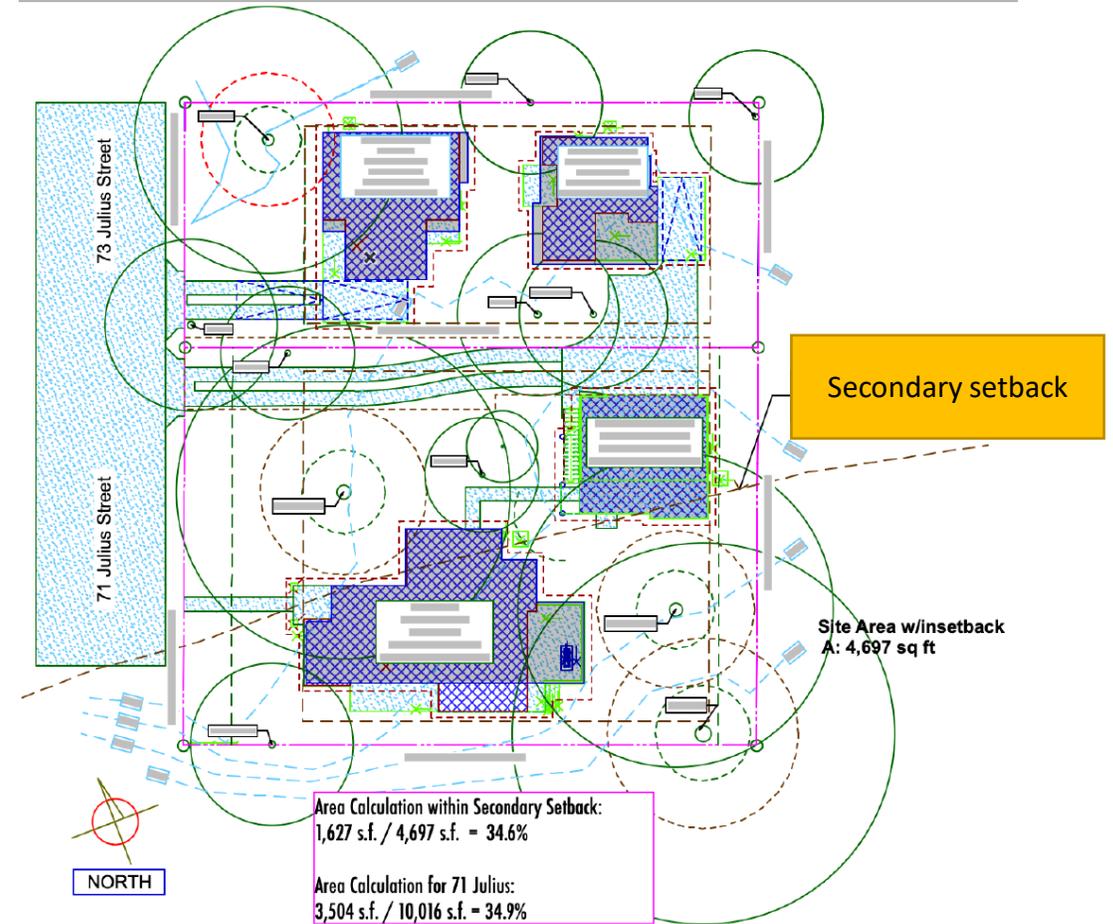
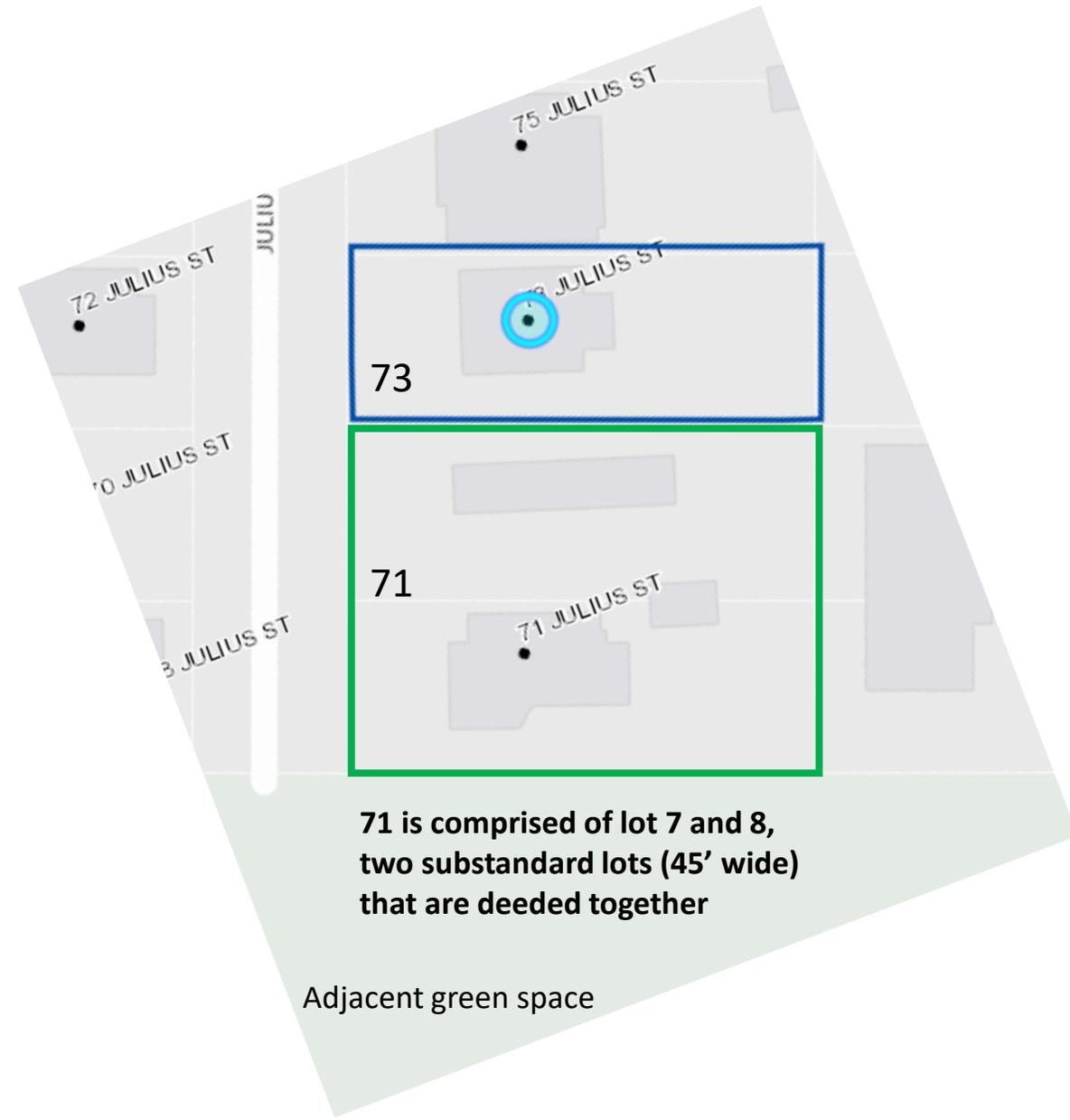
## Constraints

- The little-known regulation in question is the waterfront overlay secondary setback, noted as:  

Secondary setback
- This is in conflict with regulation, and desire, to preserve the large trees in center of the lot (we knew about the tree regulation)
- The impact is on the house on the bottom where the regulated choices are:
  1. Build in the secondary setback (reasonable variance needed)
  2. Remove 35" pecan and build north of the setback
  3. Don't build what you bought the lot for
- Aside from the secondary setback regulation, the design is well within all zoning and all building requirements (setbacks, FAR, sq ft, tent, etc, etc)



# Previous site plan (left) and the site plan we proposed (right)



## Timeline:

- March 2019 – Purchased lot
- May 2019 – Engaged city in pre-work to build homes
- December 2019 – **Architectural plans complete; Structural plans complete; Ready to submit building permit**
- December 2019 – We were informed of an additional little-known regulation (that is non-obvious because all our neighbors' homes do not meet this regulation) that could be applied; “waterfront overlay secondary setback”
- January 2020 – Application for variance to secondary setback submitted
- February 2020 – Board did not have quorum present to approve our case; postponed
- March 2020 – Board met and heard case; Board primarily asked questions about our adjacent lot to the north which is not involved and asked us to come back later; postponed
- April 2020 – Board cancelled meeting and postponed
- May 2020 – Board met; We answered all the March questions; The board followed with various commentary, no clear asks, and no predictable path to being able to build; postponed



75 San Saba

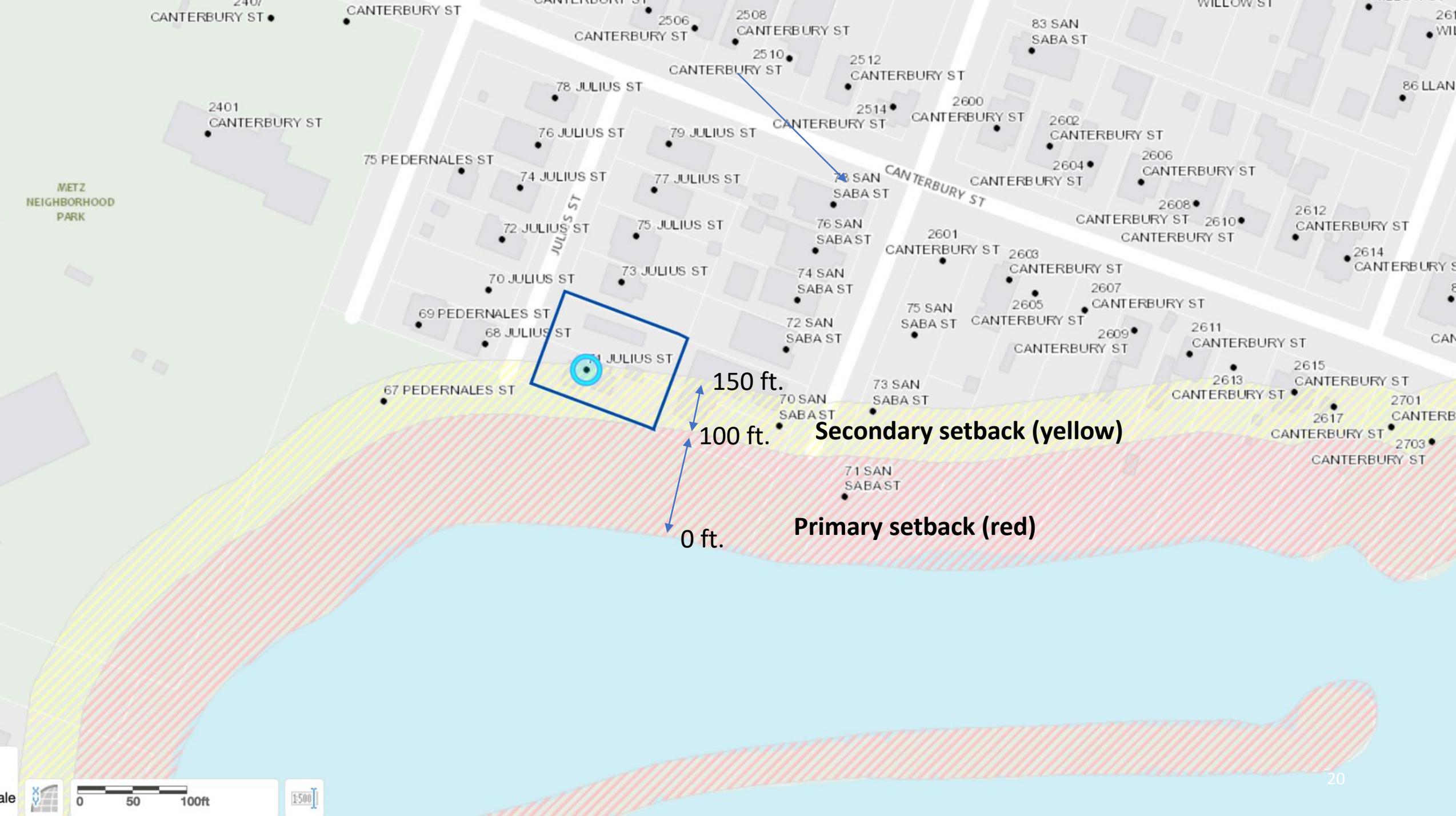
73 San Saba

71A San Saba

**One of several neighborhood developments in the secondary setback**

71B San Saba





150 ft.

**Secondary setback (yellow)**

100 ft.

**Primary setback (red)**

0 ft.

METZ  
NEIGHBORHOOD  
PARK

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76 JULIUS ST

79 JULIUS ST

74 JULIUS ST

77 JULIUS ST

72 JULIUS ST

75 JULIUS ST

70 JULIUS ST

73 JULIUS ST

69 PEDERNALES ST

68 JULIUS ST

67 PEDERNALES ST

71 JULIUS ST

76 SAN SABA ST

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73 SAN SABA ST

71 SAN SABA ST

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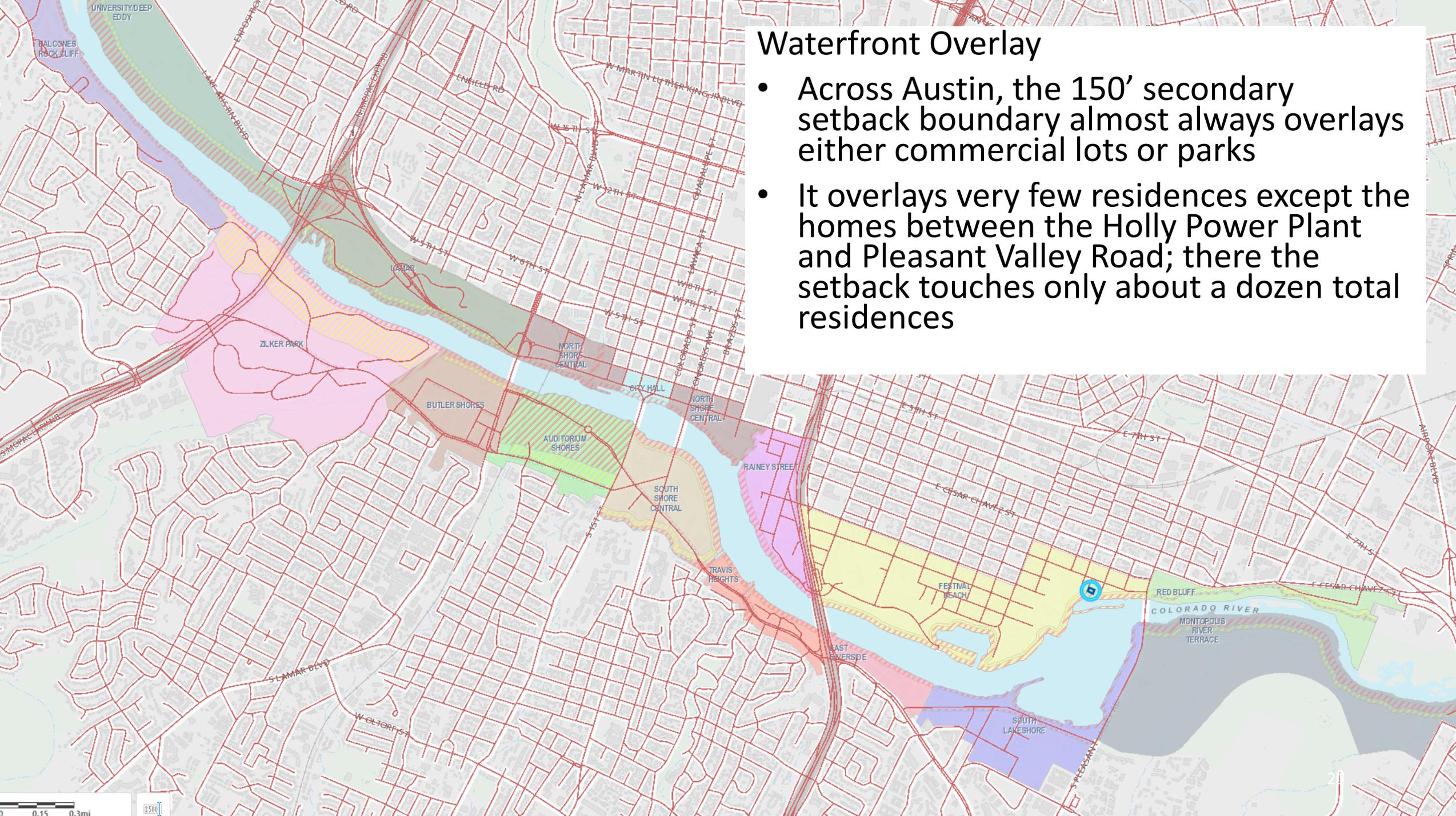
2735  
CANTERBURY ST

2737  
CANTERBURY ST

2739  
CANTERBURY ST



1:500



# Waterfront Overlay

- Across Austin, the 150' secondary setback boundary almost always overlays either commercial lots or parks
- It overlays very few residences except the homes between the Holly Power Plant and Pleasant Valley Road; there the setback touches only about a dozen total residences

# Impervious Cover and the net ask

	Impervious Cover (max)
71 Julius at time of purchase	>30%
Waterfront Overlay secondary setback limit	30%
Proposed design in the secondary setback	36.8%
Adjacent end lots in the neighborhood	>30%
Normal SF-3 outside waterfront overlay (25-2-492)	45%
SF-3 lot with adjacent open green space (25-2-556)	55%
<b>Our ask for 71 Julius - #1</b>	<b>Re-build residential</b>
<b>Our ask for 71 Julius - #2</b>	<b>36.8% in the secondary setback</b>

