

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 #

ROW #

C15-2013-0005

10879777

TP-0202051215

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: 1504 Canterbury St, Austin, TX 78702

LEGAL DESCRIPTION: Subdivision – LOT 14 \*& W14.5 FT OF LOT 13 BLK 2 OLT 34&46  
DIV O WELCH SUBD

14 \*& W14.5

Lot(s) FT OF 13 Block 2 Outlot 34&36 Division O WELCH SUBD

I/We Charles Escutia & David Knoll on behalf of myself/ourselves as authorized agent for

Michael Blackhurst & Elizabeth Hurley affirm that on \_\_\_\_\_, \_\_\_\_\_,

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

(check appropriate items below)

    ERECT     ATTACH     COMPLETE     REMODEL   X   MAINTAIN

An accessory unit that has some outstanding permits. Permits for the accessory unit were pulled in 1986,

but some permits remain outstanding. The accessory unit does not meet current setback requirements.

Through this variance request, we intend to finalize all unclear/disputed permits and property entitlements.

in a SF-3 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:

Permits filed by previous owners in 1986 for the accessory unit have expired and setback requirements have since changed.

In order to legally use the structure and perform permitted property improvements, a variance from current setback is sought.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The accessory unit has been in place since 1986. Several permits obtained by previous owners have expired. By

this request, we intend to finalize all unclear/disputed permits and property entitlements. As per email correspondence with

AE on 12/18/2012, application and potential approval of variance is contingent upon upgrade of electrical service.

- (b) The hardship is not general to the area in which the property is located because:

The accessory unit, its vintage, its permitted uses, and its relative location on the lot are unique to our property.

**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:

Over the 26 years since the accessory unit was proposed and installed, there have been no

impacts to the character or use of adjacent public or private property that we are aware of.

**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:

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

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

**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 Charles Escutia Mail Address 2007 West Koenig Ln

City, State & Zip Austin, TX 78756

Printed Charles Escutia Phone 512-796-5529 Date 12-18-2012

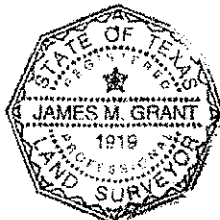
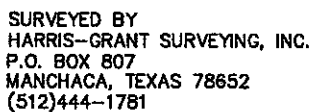
**OWNERS CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Elizabeth Hurley Mail Address 1504 Canterbury St

City, State & Zip Austin, TX 78702

Michael Blackhurst  
Printed Elizabeth Hurley Phone 512-925-5845 Date 12/18/12

NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS, RESTRICTIONS AND/OR BUILDING SETBACKS MAY EXIST THAT ARE NOT SHOWN HEREON.



James M. Grant

**Harris**  
**GRANT**  
SURVEYING, INC.

**T-47 Residential Real Property Affidavit**

(May be Modified as Appropriate for Commercial Transactions)

Date: 8/30/2011 GF No. \_\_\_\_\_

Name of Affiant(s): OFELIA SARABIA A.

Address of Affiant: 12205 Forsythe Dr. Austin TX 78759

Description of Property: 1504 Canterbury St Austin TX 78702

County TRAVIS, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of Texas, personally appeared Affiant(s) who after by me being duly sworn, stated:

1. We are the owners of the Property. Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.":

2. We are familiar with the Property and with the improvements located on the Property.

3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as the Title Company may deem appropriate. We understand that the owner of the Property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.

4. To the best of our actual knowledge and belief, since 8/25/2011 there have been no:

- a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;
- b. changes in the location of boundary fences or boundary walls;
- c. construction projects on immediately adjoining property(ies) which encroach on the Property;
- d. conveyance, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property;

EXCEPT for the following (If None, Insert "None" Below): none

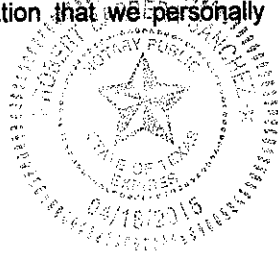
5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.

6. We understand that we have no liability to the Title Company or the title insurance company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

Ofelia Sarabia A.

SWORN AND SUBSCRIBED this 30 day of AUGUST, 2011

Notary Public



(TAR- 1907) 5-01-08

Page 1 of 1

J.B. Goodwin, REALTORS 1613 Cap of Tx Hwy Austin, TX 78746  
Phone: (512)775-9666

Fax: Octavio Lozano

Canterbury St.

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**Ramirez, Diana**

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**From:** Mike Blackhurst [REDACTED]  
**Sent:** Thursday, January 10, 2013 5:29 PM  
**To:** Beth Hurley  
**Cc:** Walker, Susan; Ramirez, Diana; Charles Escutia; david.knoll [REDACTED]  
**Subject:** Re: 1504 Canterbury Street

Hi Susan-

I hope you had a nice holiday.

We look forward to the SRB hearing and appreciate your assistance with our application.

As my wife mentions below, we ultimately hope to get our accessory building approved for occupancy. In early conversations with City staff, we were advised to first apply for a variance for setback; then, if the variance is approved, apply for a remodel to a garage apartment in hopes of receiving a certificate of occupancy.

My wife indicated that you informed her that it may be feasible to address both setback and occupancy at the SRB hearing. I have been trying to figure out how to do that, but the mechanisms for doing so are unclear to me.

Obviously, if there were such an option, we would consider it, so long as it does not risk approval of the setback variance. Getting a variance for setback is a higher priority, as we currently cannot permit any work on the property.

Any feedback you can provide is much appreciated.

Thanks,

Mike Blackhurst  
512-925-5645

On Wed, Dec 19, 2012 at 12:35 PM, Beth Hurley [REDACTED] wrote:

> Hello Susan,  
>  
> It was nice meeting you today. I am sorry I was unable to answer your  
> question about occupancy when we met.  
>  
> After talking to Mike, here is the deal: Our overall goal is to get  
> the back unit permitted for occupancy. We were advised by some people  
> from the City of Austin that the best way to do this would be to first  
> address the outstanding permits and siting/setback issue, and then  
> apply for the change in use. Our fear is that if we ask for all of  
> these changes at once, it will get denied and then we will be stuck.  
> As it stands, we can't really do anything with the back unit,  
> including fixing the electrical, because we are unable to pull any permits.  
>  
> Do you have any recommendations as to the best course of action?  
>  
> Thank you so much for your time, and have a wonderful holiday break.  
>  
> Beth Hurley  
> Mike Blackhurst