

# Variance Request

74 San Saba Street  
C15-2021-0080

The Board of Adjustment  
September 13, 2021  
Item E-3

Micah King (Husch Blackwell LLP)

# Overview

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To preserve deck that serves the rear, upper-level unit built in 1930 and provides secondary egress and living space for the small unit whose living space is only on the 2<sup>nd</sup> level.

Placement limited to rear due to palm trees and need to provide separation and safe fire access to the rear unit, and to allow access for firefighters w/out walking under porch.

Unit constructed close to rear lot line prior to original zoning code (and the 1928 code placed the property in the “E” “Unrestricted” use district).

## Requested Variances

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- ▶ To provide reduced max. impervious cover of 41.38% (40% required outside the primary and secondary setbacks in the Festival Beach subdistrict of the Waterfront Overlay)
- ▶ To reduce the min. side setback from 5' to 3.9'
- ▶ To reduce the min. rear setback from 10' to 2.1'

## Fence Update

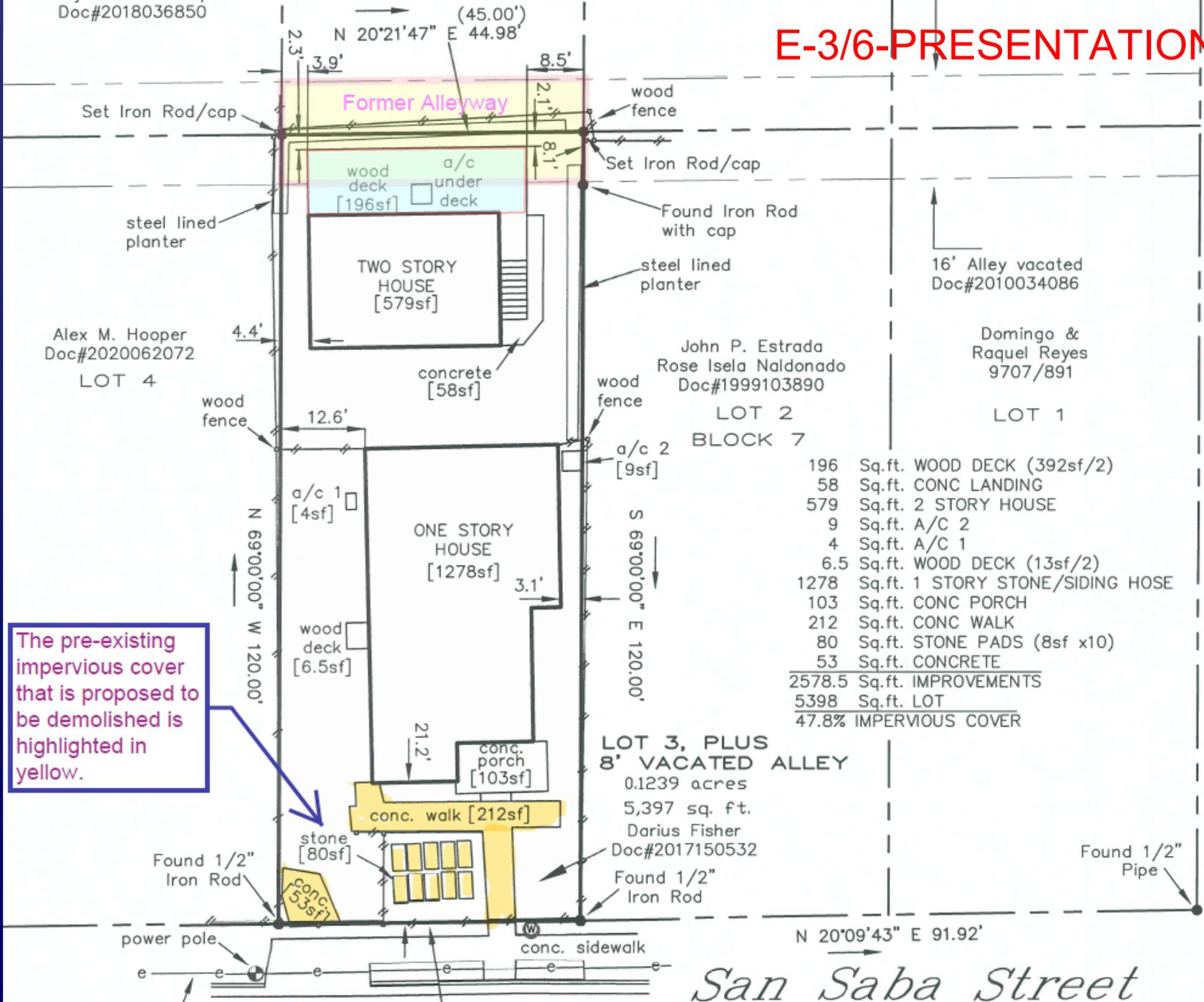
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- ▶ We measured the fences, analyzed the Code, and met with numerous City Staff at the Development Services Department (who reviewed photos and measurements), and they confirmed that the fence does not require a variance.

## Proposed Reduction to Impervious Cover

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- ▶ Net reduction to impervious cover in the Waterfront Overlay (via demolishing pre-existing concrete walk and stone pads) as part of the request.
- ▶ 40%: Max. impervious cover
- ▶ 44.14%: Impervious cover prior to deck
- ▶ 47.8%: Existing impervious cover
- ▶ 41.38%: Requested impervious cover



The pre-existing impervious cover that is proposed to be demolished is highlighted in yellow.

196	Sq.ft. WOOD DECK (392sf/2)
58	Sq.ft. CONC LANDING
579	Sq.ft. 2 STORY HOUSE
9	Sq.ft. A/C 2
4	Sq.ft. A/C 1
6.5	Sq.ft. WOOD DECK (13sf/2)
1278	Sq.ft. 1 STORY STONE/SIDING HOSE
103	Sq.ft. CONC PORCH
212	Sq.ft. CONC WALK
80	Sq.ft. STONE PADS (8sf x10)
53	Sq.ft. CONCRETE
2578.5	Sq.ft. IMPROVEMENTS
5398	Sq.ft. LOT
47.8%	IMPERVIOUS COVER

LOT 3, PLUS  
8' VACATED ALLEY  
0.1239 acres  
5,397 sq. ft.  
Darius Fisher  
Doc#2017150532

Canterbury Street

San Saba Street

# The Zoning Regulations Do Not Allow for a Reasonable Use Because:

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- ▶ They preclude being able to preserve an existing deck for the upstairs rear residential unit, which increases fire safety for residents and firefighters by providing a secondary point of egress in case of emergency and which enhances quality of life for residents.
- ▶ Deck is set back approximately 10' from originally-platted lot line of property to the rear, and the side of the deck is in line with the side of existing structure.

# Reasonable Use: Photo Showing Alignment of Deck with Side of Unit

E-3/8-PRESENTATION



## Hardship is Unique to the Property Because:

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- ▶ Placement options constrained by locations of the structures constructed prior to zoning regulations.
- ▶ Rear structure was lawfully constructed close to the rear property line.
- ▶ Trees between units.
- ▶ Provide gap between units for fire safety and emergency access.

Hardship:

E-3/10-PRESENTATION

# View of Trees Between Front and Rear Units

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# Reasonable Use and Unique Hardship as They Relate to Old Code

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E-3/11-PRESENTATION

## FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: zoning regulations for 2604 Canterbury do not allow for the existing detached structure to be remodel into a second dwelling unit because the new structure is closer to the rear and side property lines then SF-3 zoning allows
2. (a) The hardship for which the variance is requested is unique to the property in that: the structure to be remodeled existed prior to current zoning, Travis County tax records show the structure was constructed in 1936

## The Hardship is not General to the Area

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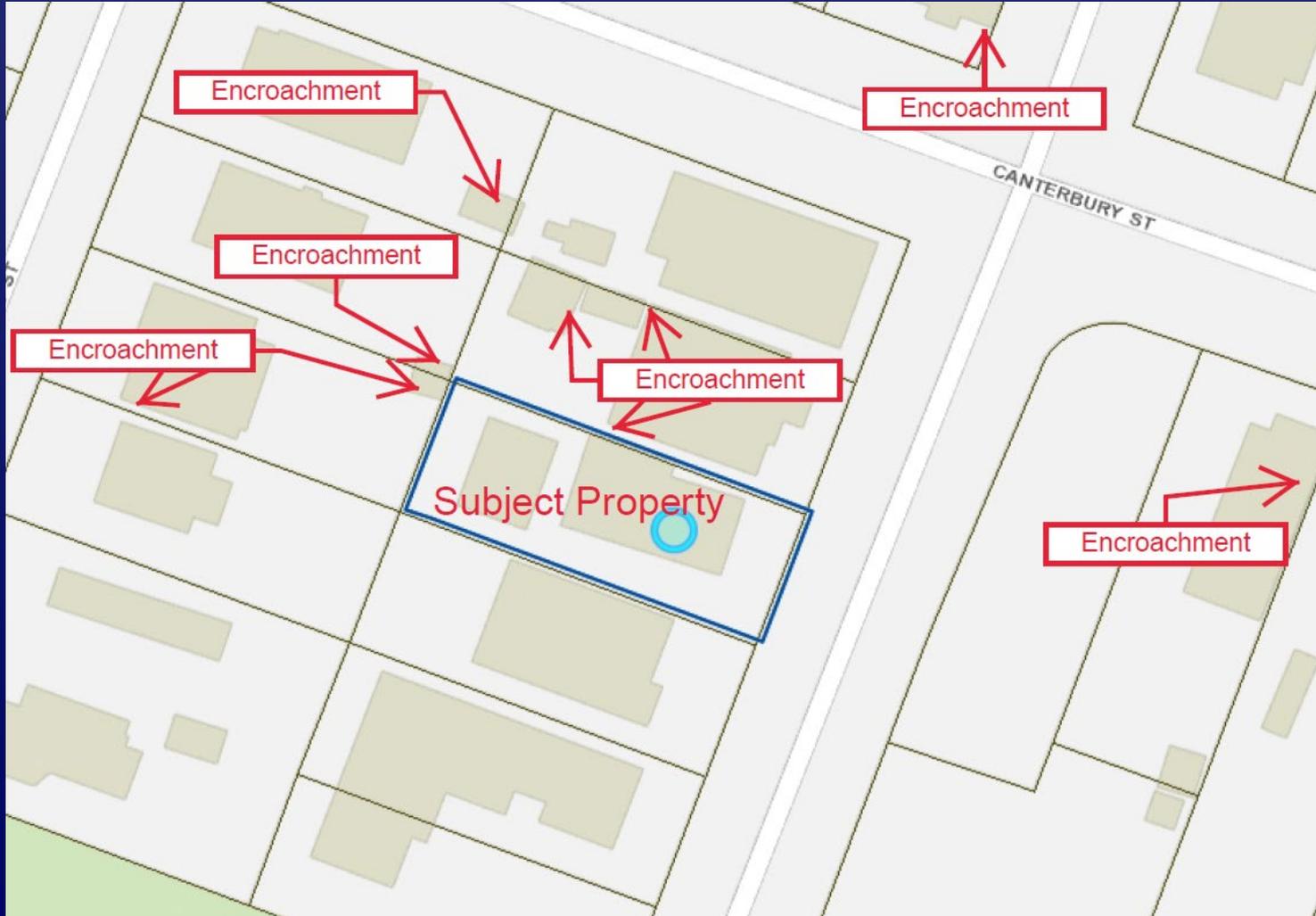
- ▶ For most other properties in the area a rear deck with outdoor living space could be provided without encroaching upon the rear setback.
- ▶ Rear unit has existed for 91 years, which was prior to the adoption of Austin's first zoning code, and there is a vacated former alleyway at the rear.

## Approval Would Not Alter Area Character

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- ▶ It is common for structures in the area to violate rear and side setback requirements.
- ▶ Net reduction to pre-existing concrete impervious cover would advance the Overlay's goal of enhancing the environmentally-sensitive Colorado River Corridor.

## Examples of Area Setback Encroachments



# View of Deck from Street to Rear (Julius St.)

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**Case Number: C15-2021-0080**  
**Contact: Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)**  
**Public Hearing: Board of Adjustment; August 9<sup>th</sup>, 2021**

Marcel Meyer  
Your Name (please print)  I am in favor  
 I object

70 San Saba St.  
Your address(es) affected by this application

 7/30/2021  
Signature Date

Daytime Telephone: 512-689-4455

Comments: I am in favor because  
I believe the addition  
will improve the quality  
of life of the homeowner.  
Please allow him to proceed  
with the variance.

Thank you,  
Marcel Meyer

**Case Number: C15-2021-0080**

**Contact:** Elaine Ramirez; [elaine.ramirez@austintexas.gov](mailto:elaine.ramirez@austintexas.gov)

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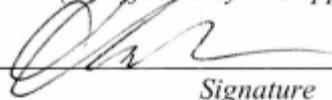
Anis Paladino

Your Name (please print)

I am in favor  
 I object

2506 Willow St and 2508 Willow St

Your address(es) affected by this application



Signature

8/2/21

Date

Daytime Telephone: 512-720-8654

Comments: \_\_\_\_\_

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E-3/29

John Estrada  
76 San Saba Street  
Austin, Texas 78702

August 3, 2021

The Board of Adjustment  
c/o Elaine Ramirez  
Planner Senior and Board of Adjustment Liaison  
The City of Austin

Re: Letter of Support for Variance Request for 74 San Saba Street to Preserve Deck;  
Case No. C15-2021-0080

Dear Board Members:

I own the house immediately to the north of Darius Fisher's property, and I support the variances to preserve Darius's existing wood deck at the rear of his property. The deck is consistent with the area's character and should be allowed stay as-is without being demolished. Thank you for your consideration.

Sincerely,



John Estrada