

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2022-0067

BOA DATE: October 10th, 2022

ADDRESS: 2614 Canterbury St

COUNCIL DISTRICT: 3

OWNER: Jose Minguell

AGENT: N/A

ZONING: SF-3NP (Holly)

LEGAL DESCRIPTION: LOT 9 BLK 5 OLT 41-42 OLT 53 DIV O RIVERVIEW ADDN

VARIANCE REQUEST: decrease the minimum Interior Side Yard Setback from 5 feet to 6 inches

SUMMARY: maintain two (2) small sheds - a utility shed and bike shed

ISSUES: corner lot, heritage pecan tree

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Del Valle Community Coalition
 East Austin Conservancy
 East Town Lake Citizens Neighborhood Association
 El Concilio Mexican-American Neighborhoods
 Friends of Austin Neighborhoods
 Greater East Austin Neighborhood Association
 Guadalupe Neighborhood Development Corporation
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group
 Tejano Town



September 28, 2022

Jose Minguell
2614 Canterbury St
Austin TX, 78702

Property Description: LOT 9 BLK 5 OLT 41-42 OLT 53 DIV O RIVERVIEW ADDN

Re: C15-2022-0067

Dear Jose,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the City of Austin Land Development Code at 2614 Canterbury St pertaining to the 5' interior side yard setback requirement for SF-3 zoning.

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Cody Shook, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881
Cody.Shook@austinenergy.com



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # C15-2022-0067 ROW # 12990919 Tax # 0200100509

Section 1: Applicant Statement

Street Address: 2614 Canterbury Street

Subdivision Legal Description:

LOT 9 BLK 5 OLT 41-42 OLT 53 DIV O RIVERVIEW ADDN

Lot(s): 9

Block(s): 5

Outlot: 53

Division: O Riverview Addn

Zoning District: SF 3-NP (Holly)

Council District: 3

I/We Jose Minguell & Laura McQuary on behalf of myself/ourselves as

authorized agent for _____ affirm that on

Month July, Day 15, Year 2022, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☒ Maintain ☐ Other: _____

Type of Structure: Two small (35 & 75 square foot) utility and bike sheds

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-492 Site Development Regulations for a Side Yard setback of 5 ft. (required) to 6" setback along a 22'-6" portion of the side property line (requested).

Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The 1940 house sits on a corner lot, its driveway (curb cut) runs along the interior side property line and is over the interior side yard setback. The existing house sits 9' from the side yard property line and has a giant heritage Pecan tree on the opposite side (the side street yard). As a result of these existing conditions, the property has no options of accessing a garage from the front driveway. The property has an undeveloped alley to the rear that is not on daily driving conditions, due to overgrown vegetation and poor driving surface conditions.

(Continued on page 8)

Hardship

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

The original 1940 house, located on a corner lot, doesn't sit within the City's current zoning parameters, it is located 11' from the side street and 9' from the interior side. Because of a 44" pecan tree on the street side (heritage tree) and the narrow area to the side, there is no space for access or a garage (back yard or side of the house) or storage area serving the driveway areas (bikes, tools). (Continued on page 8)

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

Few houses from the 1930s or 40s, that were sited awkwardly (before the modern code restrictions) remain in the neighborhood. The ones that are left and grandfathered in, will have a garage sitting outside the interior side yard setback (close to the property line) with a driveway extending to the back yard (ie: 2612 Canterbury). We do not have the clearance to do this. Likewise fewer and fewer trees that were typical of the neighborhood remain.

Area Character

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:

East Austin has a history of yard sheds. We would like to maintain the character of the original house. However the only solution based on the current code would be to attach storage directly to the side of the house. This would destroy the character of original 1940 house and the character of the area. The sheds have purposely been made as two to minimize their size and stay within the character of the sheds that are found throughout east austin. Similar small structures are even documented in the City's 2016 East Austin Historic Resources Survey.

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 in the City of Austin Land Development Code Chapter 25-6, Appendix A 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 reasonably 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:

Section 3: Applicant Certificate

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

Applicant Signature: Jose Minguell Date: 09/08/2022

Applicant Name (typed or printed): _____

Applicant Mailing Address: 2614 Canterbury Street

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 470-0484

Email (optional – will be public information): [REDACTED]

Section 4: Owner Certificate

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

Owner Signature: Jose Minguell Date: 09/08/2022

Owner Name (typed or printed): Jose Minguell

Owner Mailing Address: 2614 Canterbury Street

City: Austin State: TX Zip: 78702

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

The request for this variance arises from a COA Code enforcement citation. The two sheds in question were rebuilt during the fall of 2021. The previous sheds (one enclosed and the other one open) where in poor condition due to weather and age and were not built with structurally sound construction.

Additional Space (continued)

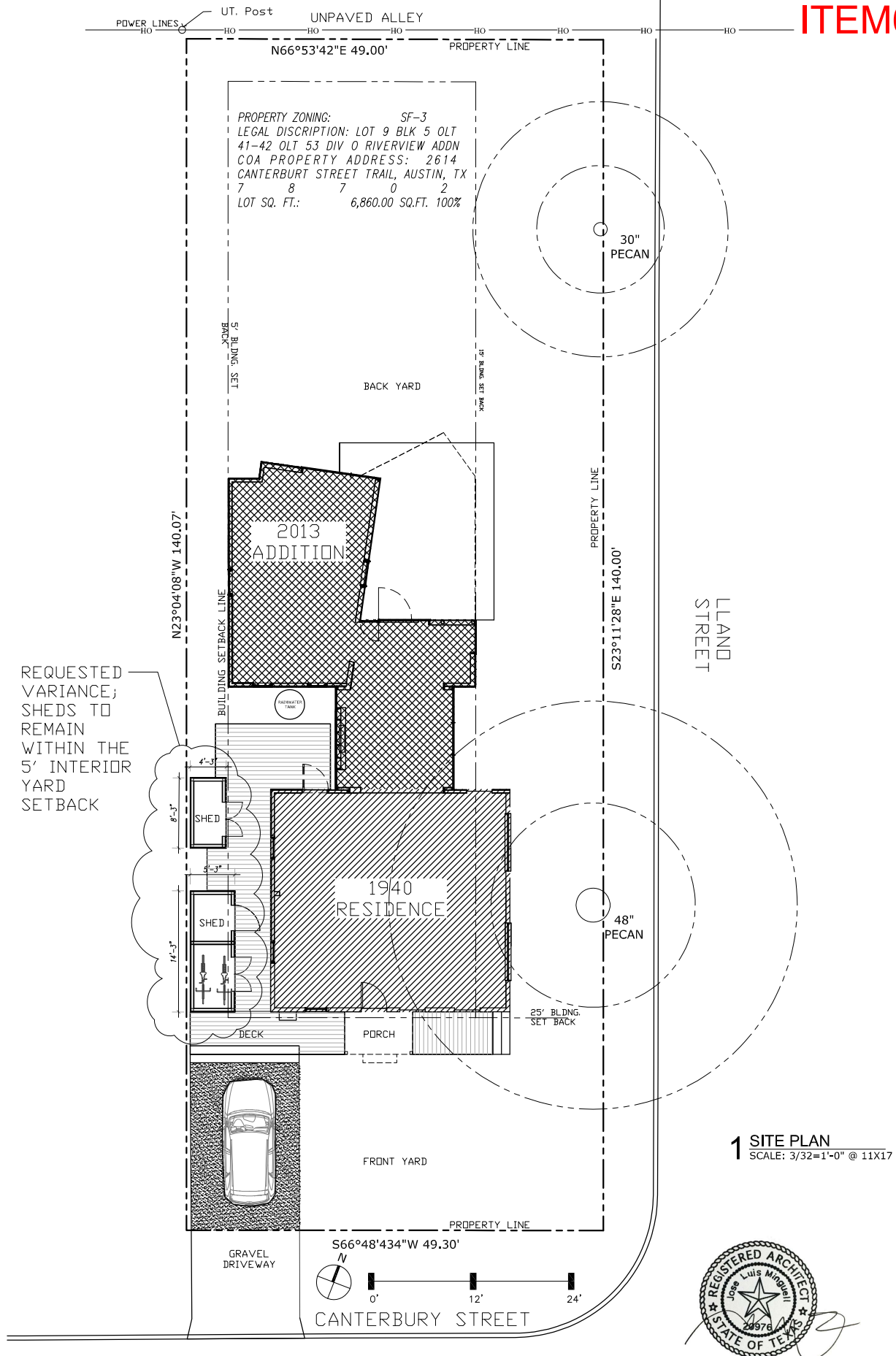
Neighbors had complained to COA of their precarious condition, fearing that they could house rodents. Prior to starting the reconstruction of the sheds, we contacted COA 311 and consulted if we needed a permit to rebuild these sheds. We were told that it was not necessary so we proceeded with the work. One shed stores yard tools and the other houses the family bikes.

Continued from Reasonable Use (page 5):

As a result the only place for storage accessible to the driveway (garage storage elements such as bikes, auto repair, etc.) should be on the interior side yard part of the house. If the storage is to be located right next to the house within the allowable setback area, it would block natural light and not allow for natural ventilation from this side of the house. For this reason the only reasonable space for storage is along the property line (original location previously been renovated) within interior side yard setbacks.

Continued from page Hardship A (page 5):

We cannot simply cut down the tree to make it easier to comply with current setback restrictions. Also the state of the undeveloped alley does not offer the possibility of a secondary driveway. As owners of the property we are adamant on leaving the existing bungalow (character of the neighborhood). Demolishing it and rebuilding a modern floor plan is not an option for us. This is not the current trend within the neighborhood, arguably this makes this an element unique to this property.



PP-1

DATE: 08.24.2022

PLOT PLAN

2614 CANTERBURY ST

CANTERBURY
RESIDENCE702 san antonio street
austin, texas 7 8 7 0 1
5 1 2 . 4 7 0 . 0 4 8 4

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