

C3

September 9, 2010

To the members of the Planning Commission
Re: 408 E 33rd Street

Commissioners,

On behalf of the Grooms Addition Historic District Committee, we would like to submit the missing criteria from the **City of Austin Historic Landmark Designation Criteria** that the Historic Landmark Commission recommended on May 24, 2010. The applications (in addition to structure being at least 50 years old and having integrity of materials) from this list are:

A. Architecture

-Embodies the distinguishing characteristics of an architectural type or method of construction (only extant example of board and batten house in neighborhood);

B. Historical Associations

-Historical associations with underrepresented types of people (working class, specifically John Boswell, a US Army veteran of WW II, who worked at UT for nearly 30 years with Building and Grounds);

D. Community Value

-Represents Community Value to members of the NUNA community.

This case has been remanded back to the Planning Commission from the City Council due to new evidence. The research concerning this cottage at 408 E 33rd ST has been laborious and difficult to collect. We feel that much of our evidence has been ignored or dismissed as illegitimate; we have a supporting letter from the Texas Historical Commission that substantiates our methodology. Thank you for your consideration to this case.

Sincerely,
Mary Ingle, Co-Chair of the Grooms Addition Historic District Committee

Carol Journeay, Co-Chair of the Grooms Addition Historic District Committee

C3

From: North University Neighborhood Association (nunaaustin@gmail.com)
To: wcbdnar@bednarlaw.com; krenner@austin.rr.com; casamia@mail.utexas.edu;
iver506@sbcglobal.net; steven@abporter.org; twistedriverranch@yahoo.com;
caroljourneay@yahoo.com; encode.austin@gmail.com;

Date: Wed, August 25, 2010 11:26:53 AM

Cc: chrisdial202@gmail.com; cpkeever@aol.com; cbryant@law.utexas.edu; rh02@txstate.edu;
jmoyle@austin.rr.com; judy@texasfrenchbread.com; nunanews@gmail.com; lmiller@fluentcollab.org;
mfeist@austin.rr.com; micriley@microsoft.com; nunaaustin@gmail.com; rkgammon@gmail.com;
robotmims@gmail.com;

Subject: This letter has been sent to the Mayor and City Council this morning...

"Dear Mayor and Council Members

The North University Neighborhood Association has not taken an official position on the historical zoning request for the property at 408 E. 33rd Street. While sensitive to concerns about the the loss of "contributing structures" in the Grooms Subdivision of NUNA -- where a group of neighbors is seeking the establishment of a local historic district -- we are also sensitive to the property owner's rights in this case. Therefore, while we did officially oppose the request for a demolition permit we have not officially recommended support for historical designation of the structure, in question.

This case has presented a considerable dilemma for NUNA which strongly supports the preservation of our neighborhood while recognizing the importance of individual property owner's rights.

Respectfully submitted,

Laurence Miller, President
North University Neighborhood Association"

--

Laurence Miller
President
North University Neighborhood Association

PETITION

13 SEP 2010

Date: ~~21 AUG 2010~~

File Number: C14H-2010-0016

Address of Rezoning Request: 408 E 33 St, Austin 78705

MEMBERS OF PLANNING COMMISSION
To: ~~Honorable Mayor and Members of City Council, City of Austin~~

We, Charles W Boes and Christine R Boes, the undersigned owners of the property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3-NCCD-NP .

Please consider this letter as a valid petition indicating that we as the owners of the above referenced property, file #C14H-2010-0016, oppose the imposition of historic zoning on this property. This structure does not meet the requirements of the City of Austin historic landmark criteria for individual structure designation.

Signature

Printed Name

Property Address

Charles W. Boes

Charles W Boes

408 E 33 St, Austin 78705

Christine R Boes

Christine R Boes

408 E 33 St, Austin 78705

Christine R Boes
Charles W. Boes

RE-SIGNED

Date: ~~21 Aug 2010~~

13 SEP 2010

Contact Name: Charles W Boes and/or Christine R Boes

Mailing Address: 6550 Shady Brook Ln, #2017, Dallas 75206

Phone Number: 214-893-9404

cc: Greg Guernsey, Director of Neighborhood Planning and Zoning, City of Austin

Steve Sadowsky, Historic Preservation Officer, City of Austin

Together we, Charles & Christine Boes, are the owners of the private property located at 408 E33 St, Austin 78705. On March 11, 2010, we filed an application for demolition of the current structure to enable us to build our single family five star energy-rated retirement home on this city conforming lot. We oppose the designation of the current structure as a historical landmark. We agree with the staff recommendations and the action of the Planning Commission that this structure does not meet the criteria for individual designation as a historic landmark.

We ask that the City Council deny the Historic Landmark Commission's recommendation for a zoning change to historic, and request that the demolition permit be released.

- This structure/private property is NOT in a Local Historic District (Staff report)
- This house is NOT listed in the Comprehensive Cultural Resources Survey, 1984 (Staff report)
- This structure is NOT located in any historical designation (Staff report)
-

Brief Chronology of proceedings

1/ Application for demolition permit filed March 11, 2010

2/ Hearing on April 26, 2010 before Historic Landmark Commissioners resulted in initiation of historic zoning on a 7-0 vote

3/ As owners, we filed a valid petition with the city's preservation officer Steve Sadowsky opposing the historic zoning designation

4/ Hearing on May 24, 2010 before Historic Landmark Commission. City staff's recommendation indicates that structure does not qualify as a historic landmark. Commissioners voted 5-1 recommending a zoning change to historic.

This vote is ineffective & violates the Bylaws of the Historic Landmark Commission Article 7, Section H, which reads in part

"to be effective ... where a vote to recommend historic zoning of a property over the wishes of the property owner, requires the affirmative vote of at least six members of the board"

The demolition permit should be released without any further action by any City department, Commission, Board or Council.

5/ The Planning Commission hearing scheduled for July 13, 2010 was postponed to allow additional research by staff. The zoning change review sheet submitted at the July 13, 2010 meeting included the previous staff recommendation that the structure does not meet the criteria for individual designation as a historic landmark.

6/ At the Planning Commission hearing dated July 27, 2010, the Commission voted 5-3 in support of the staff recommendation against the historic zoning change. At this same public hearing, Commissioner Dealey requested the owner to contact her to obtain names of individuals/entities that would be interested in moving the structure. On July 29, 2010, owner contacted Commissioner Dealey, agreeing to work with an individual identified by the Commissioner who was interested in moving the structure. This person has now inspected the structure and obtained confirmation from a house moving company that the structure can be moved. The person has agreed to move the structure once the city review of this matter is completed.

7/ This matter is now slated for a public hearing before the City Council on August 19, 2010, Item 61. As owners, we request that historic zoning be denied, and that the demolition permit be issued.

We, Charles & Christine Boes, are willing to meet with each of you any day prior to the City Council meeting this week to discuss the matter.

Sincerely,
Charles & Christine Boes
Owners, 408 E33 St, Austin 78705

Reference: Sent by email to Mayor Leffingwell & Council Members, City of Austin, on August 15, 2010, regarding August 19, 2010 Council Agenda Item 61: C14H-2010-0016

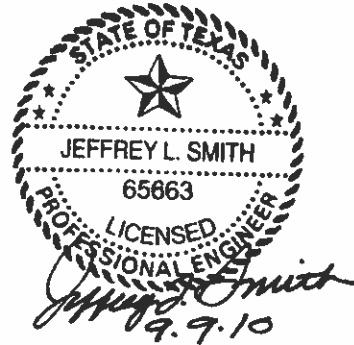


SMITH
STRUCTURAL
ENGINEERS

September 9, 2010

Ms. Christine Boes
408 East 33rd
Austin, Texas 78705

Re: Boes House
408 East 33rd



Dear Ms. Boes:

This letter is submitted to summarize my observations made during a site visit on September 2, 2010.

The existing house is a wood framed structure on a pier and beam foundation. The footprint of the house consists of 4 segments. There is a 9 ft. x 20 ft. covered front porch attached to a 14 ft. x 34 ft. segment. The long axis of these two segments are oriented generally east – west. There is a 6 ft. x 9 ft. bathroom on the back of the house and a 15 ft. x 16 ft. segment on the back of the house.

The original piers appear to have been cedar posts that have been replaced with grout filled concrete masonry units that bear on the ground and on concrete footings. The floor framing consists of 4 x 4 and 4 x 6 primary beams which span pier to pier and 2 x 6 floor joists spaced 24" that span perpendicular to the primary beams. The floor framing for the 14 ft. x 34 ft. segment of the house is oriented with a primary beam on each of the 34 ft. sides and one down the middle (oriented east – west). The floor joists span north – south between these beams. The framing members on this segment of the house are dark colored and have a slightly rough texture, similar to rough sawn lumber. There was no evidence I noted in the framing that indicated this segment of the house had been altered or added to.

The floor framing for the 15 ft. x 16 ft. segment of the house is oriented 90 degrees to the previously noted framing. On this segment the primary beams are oriented north – south and the floor joists are oriented east – west. The sizes are the same but the framing is lighter colored and smooth compared to the previously noted framing.

Based on the orientation and appearance of the framing it is my opinion that the 15 ft. x 16 ft. segment of the house was a later addition to the 14 ft. x 34 ft. portion of the house.

This information is submitted for your use. Feel free to call me with any question and or comments you have regarding this information.

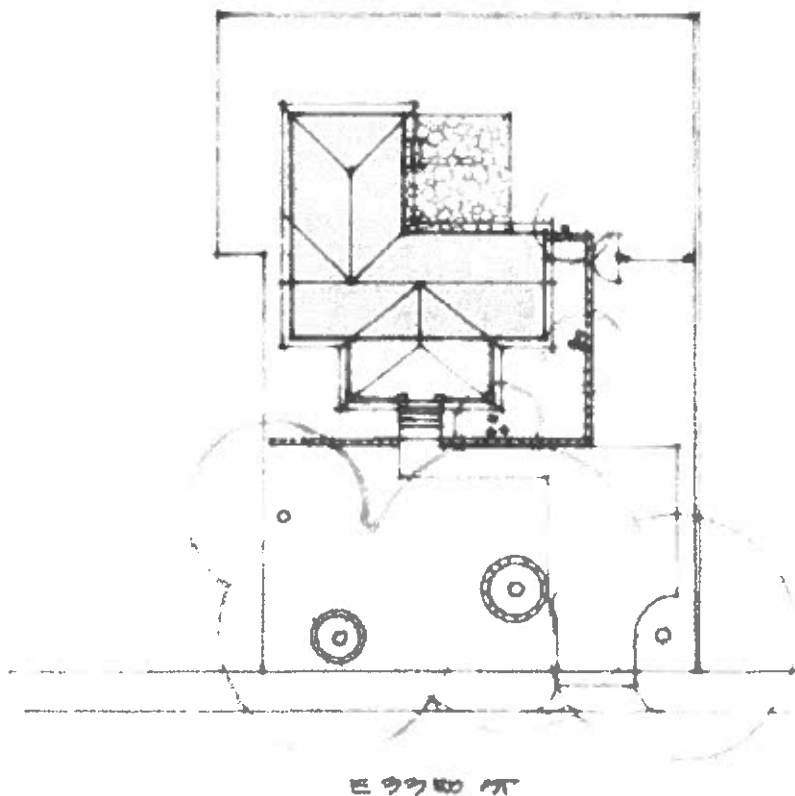
Respectfully submitted,


Jeffrey L. Smith, P.E., S.E.C.B.

9701 Brodie Lane Suite A-204 • Austin, Texas 78748
Phone (512) 478-5281 • Fax (512) 381-0127

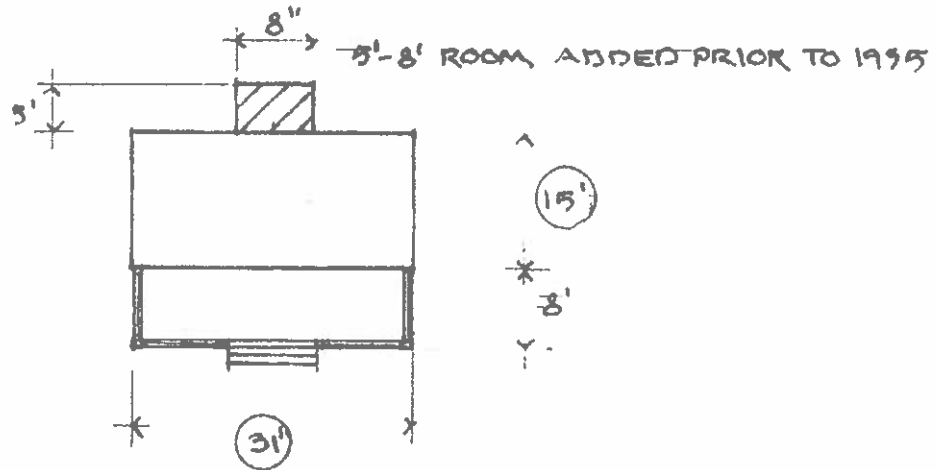
TBPE Firm Registration No. F-3907

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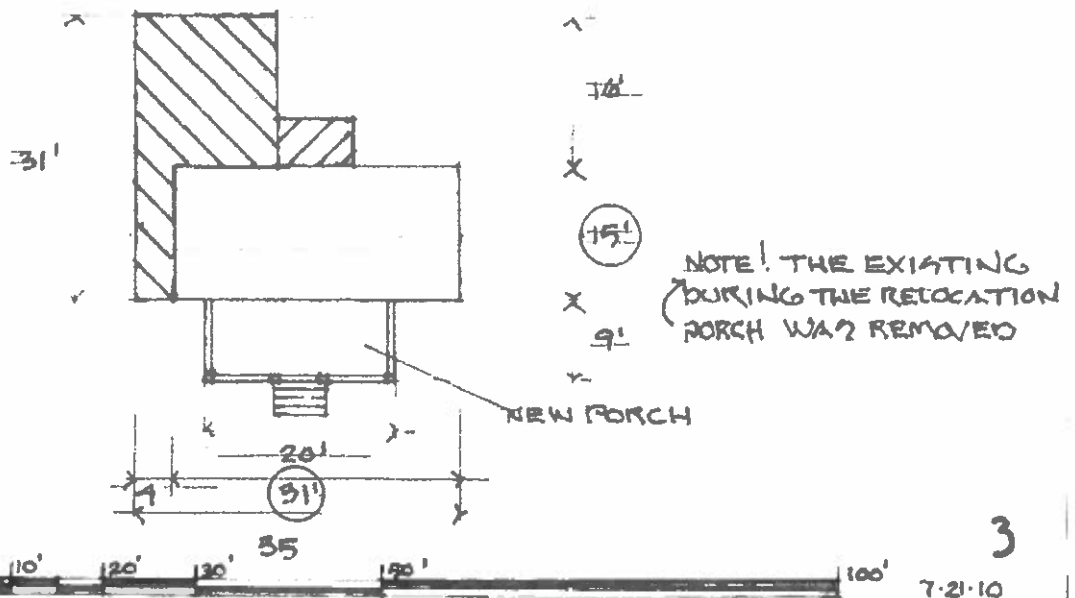


405 E 99 RD. ST. GROOMING ADDITION - EXISTING CONDITION 2010

408 EAST 33RD ST. 1921 THROUGH 1945 FROM SANBORN MAPS. NOTE! THIS COTTAGE IS LOCATED ON THE HOWELL AND MARY STANLEY FINCH ESTATE AT 3300 DUVAL. THAT HOME WAS BUILT IN 1913.



408 EAST 33RD ST. 1945 THROUGH THE PRESENT
 NOTE! THE CITY OF AUSTIN PROVIDED A PERMIT ON 8.27.45 TO "RELOCATE RES. ON LOT AND ADD TWO ROOMS" TO "CHAS. L. KRUGER, OWNER" SEE ATTACHED
 NOTE! THIS COTTAGE HAS BEEN ON THIS SITE FOR OVER 97 YEARS

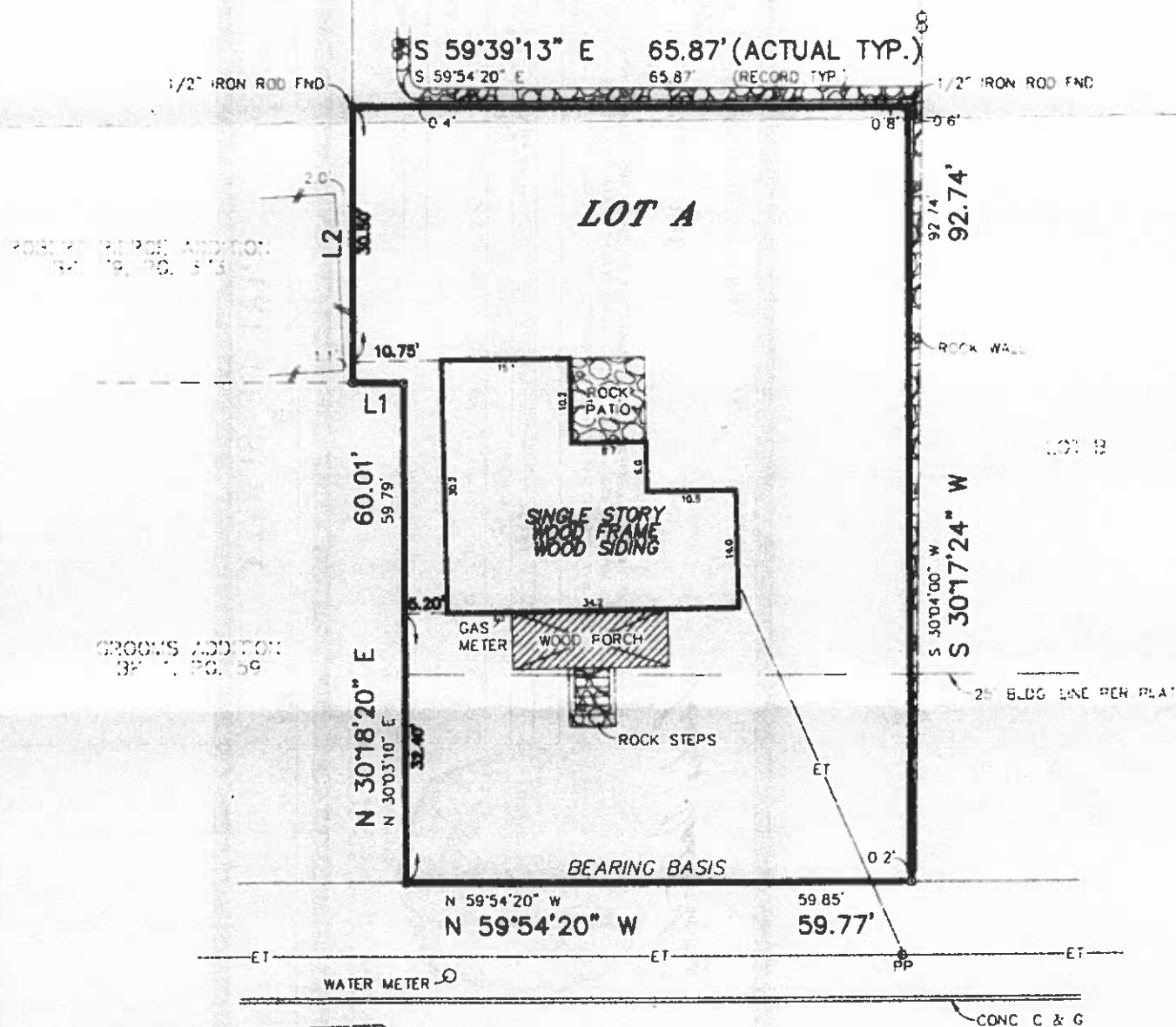


LINE NO.	BEARING & DISTANCE		
L1	ACTUAL	N 59°08'27" W	6.12'
	RECORD	N 59°03'40" W	6.07'
L2	ACTUAL	N 30°17'27" E	32.94'
	RECORD	N 30°10'46" E	32.86'

LEGEND

- PP POWER POLE
- ET OVERHEAD ELEC./TELE. LINE
- IRON FENCE
- #— WOOD FENCE

PER SURVEY OFFICE 3/19/04
square footage 5750 #



THIS SURVEY HAS BEEN REVIEWED
BY THE UNDERSIGNED & CONDITIONS
ARE HEREBY NOTED

EAST 33RD STREET
(60' ROW)

PROPERTY SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN VOL. 87, PG. 79D, PLAT RECORD

A. CHARLES BOES

PLAT OF SURVEY

Survey No. 04241

SCALE 1" = 20'

OF 2512001546

Said lot is in Zone X as identified by the

Federal Emergency Management Agency on

Community Panel No. 48453C 0165E & PER PLAT

Dated, JUNE 16, 1993

All corners are iron pipe found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed.

LOT NO A BLOCK NO -

ADDITION OR SUBDIVISION CHARLES KRUEGER SUBDIVISION, VOLUME 87, PAGE 79D, PLAT RECORDS

STREET ADDRESS 408 EAST 33rd STREET CITY AUSTIN COUNTY TRAVIS

SURVEY FOR LAND AMERICA COMMONWEALTH TITLE OF AUSTIN REFERENCE MATT BOES & *

TO

STATE OF TEXAS, COUNTY OF TRAVIS

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY EXCEPT AS SHOWN HEREON.

SNS ENGINEERING, INC.

12466 Los Indios Trail, Suite 101

Austin, Texas 78729

(512) 335-3944 * (512) 250-8685 (Fax)

JM

467/60

Date: 03-09-2004



Leslie Vasterling



C14H-2010-0016

<> 09/13/10

41903825 1/7 <> 1.jpg

DOES
408 E 33
AUSTIN 78705
#1 - view of
FOUNDATION

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<> 09/13/10

41903825 3/7 <> 2.jpg

DOES
408 E 33
AUSTIN 78705
#2 - view of
joists contrast

C14H-2010-0016

<> 09/13/10

41903825 5/7 <> 3.jpg

DOES
408 E 33
AUSTIN 78705
#3 - Zoom view
FOUNDATION