

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # ~~2013-034999BP~~ C15-2013-008

ROW # 10987420

CITY OF AUSTIN TP-020708-07-12
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: 1192 Angelina Street, Austin, Texas 78702

LEGAL DESCRIPTION: Subdivision – Robertson Geo L

Lot(s) 2 Block 8 Outlot 56 Division B

I, Jack Barron, on behalf of myself affirm that on July 22, 2013,

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

(check appropriate items below)

 ERECT ATTACH x COMPLETE x REMODEL x MAINTAIN

Allow a variance to the requirements under Section B(1) and (4) of 25-2-963 - MODIFICATION AND MAINTENANCE OF NONCOMPLYING STRUCTURES on the basis that a strict application of this provision requiring that we deconstruct and rebuild with current code would (1) destroy the National and local historic designation enjoyed by this Property; and (2) prevent compliance of the of Section § 25-11-216, DUTY TO PRESERVE AND REPAIR, applicable to historic landmarks. The specific variances requested are:

1. Applicant requests a variance from 25-2-963(B)(1)(b), which provides, that a building inspector must require, *before removal or repair of a wall*¹, that the replacement or repair of structural elements thereto, including framing, is necessary to meet minimum health and safety requirements. Specifically, while not required by the Land Development Code, we did not obtain a building official's approval before we began renovation to the wall's existing structural elements required because of health and safety concerns. After renovation began under Building Permit 2013-034999, we discovered the very poor condition of the stucco that surrounded the building had allowed extensive water damage and termite damage to occur to the wood frame and sheathing underneath. The bottom

¹ The italicized portion is not in 25-2-963(B)(1)(b), but has been communicated to us through correspondence by the City of Austin that this is required.

plates throughout the building were rotted almost completely, and corner posts were also mostly rotten as were all window areas and areas around the roof drains. The stucco and structural elements that were originally thought solid when exploratory openings were made prior to application and receipt of the building permit, revealed to be rotten at the base needing replacement in order to be structurally safe and to support the loads imposed. In attempts to comply with our duty to preserve and repair a historic structure under Section 25-11-216, and in our ignorance, we failed to get a building official's approval **before** we began the repairs to the existing structural elements. Had we requested the building inspector to inspect the condition of the structural elements before beginning the work, the building inspector would have determined these repairs were necessary to meet the minimum health and safety requirements for maintenance of a habitable structure. Additional information to support this determination is attached.

2. Due to the historical landmark designation of the home and other land development code provisions requiring preservation of historic landmarks, applicant requests a variance from 25-2-963B(1)(a), which provides no more than fifty percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. We request a variance to allow the repair work we performed to the exterior walls, which involved the reframing from the bottom plate to the top plate on approximately 70% of the walls, and replacement of sheathing and stucco. There was not any change the footprint or the appearance in any way. The original floor joists, roof decking and parapets still remain.

3. Applicants requests a variance from the City's requirement {presumably under 25-2-963B(4)}, that noncomplying structure be rebuilt in compliance with current code based on the fact that bring the building into compliance would destroy the building's unique historical character and under the mission of the historic preservation imposed by the historic landmark designation and by the zoning ordinance for the Property.

in a SF-3-H-NP 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:

N/A — The zoning regulations do allow for reasonable use of the property consistent with those in a historic zoning category. However, strict application of rules under

Section 25-2-963(B) would prevent preservation of the historic landmark designation and ultimately require that the structure be deconstructed and brought into compliance with the SF-3 requirements, which is not reasonable under the circumstances and creates an undue hardship.

HARDSHIP:

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

If the repairs to the structural elements which are necessary for the health, safety and habitability of the structure are not permitted under a variance, it would prevent the use, maintenance, and preservation of not only the building, but the historical significance that is unique to the building and the community. The property's non-complying structure is The Howson Community Center, which is a public building whose simplified Mission Revival style is most unusual in East Austin. Plans for the Center began in 1927 when seven Negro federated clubs united to form the Community Welfare Association, a group intent on being a benevolent, charitable, health, and educational organization. The building on Angelina Street was an outgrowth of their recognition of the need for a place where various Negro clubs could meet and where residents of the community could obtain health care. The Club was constructed in 1929-1930; activities which occurred there after its opening included milk distribution to families, providing of a nursery school (which Home Economics students at nearby Black colleges and public schools could observe), parental education classes, and establishment of a well-baby clinic. As such, the Property received a historic zoning classification in 1987—Ordinance 87-064-AA, a National Historic Landmark Designation in 1985 and a local Historical Landmark Designation by the City of Austin. To bring the building into compliance would destroy the building's unique historical character and undermine the mission of historic preservation.

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

The hardship imposed by a strict application of Section 25-2-963(B) is not shared by other properties in the area. While other properties in the area may share in the SF-3-NP zoning category, the hardship relating to this site is different from the general nature of the area as this property also has a historic zoning (H) attached to it. As set out above, the property's historical significance is truly unique. Further, as evidenced by the documents attached, the specific repair to the exterior walls has been approved by the Historical Landmark Commission, and the HLC is in support of the variance requests in this application.

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:

All repairs were undertaken to restore and maintain the building unique historical character, which is a valued aspect of the neighborhood's character. We maintained the precise footprint, height and appearance of the original structure. The replacement of

framing was only done to remediate severe and unsafe structural damage. There is zero impact to areas adjacent to the property.

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:

N/A

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:

N/A

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

N/A

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

N/A

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 

Mail Address: 1408 Canterbury

City, State & Zip: Austin, TX 78702

Printed: Jack Barron Phone: 503-490-7535 Date 7/22/13

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  _____

Mail Address: 1408 Canterbury

City, State & Zip: Austin, TX 78702

Printed: Jack Barron Phone: 503-490-7535 Date 7/22/13

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.²
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information -- Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

² This submittal will be tendered to the City of Austin by Thursday, July 25, 2013. In lieu, we have included a City of Austin Development Web Map depicting the location of the adjacent lots, as well as a survey of the property.

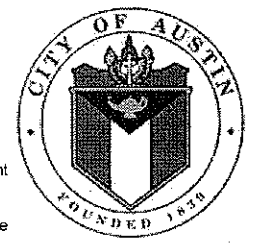


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0088
LOCATION: 1192 Angelina Street

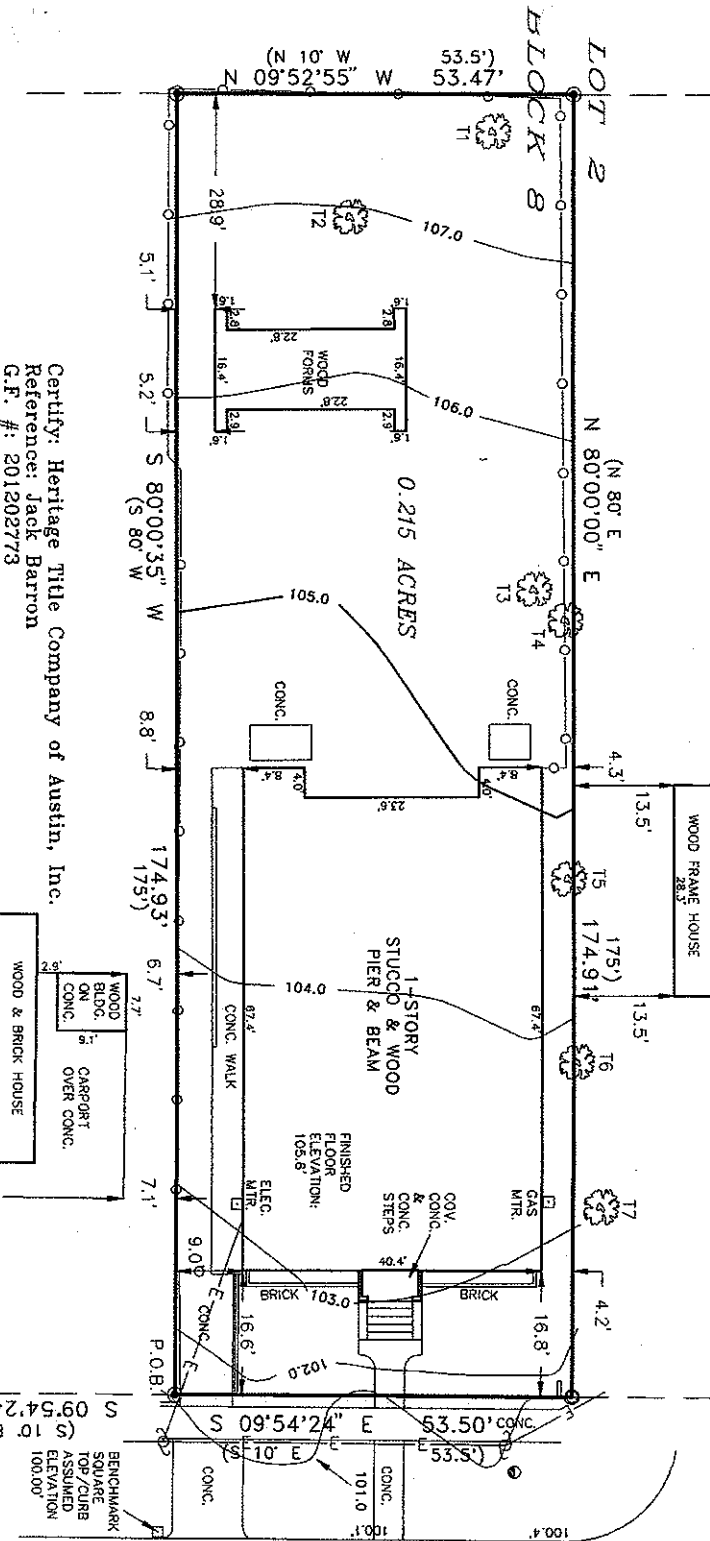


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SURVEY OF 0.215 ACRES IN AUSTIN, TRAVIS COUNTY, TEXAS,
BEING A PORTION OF LOT 2, BLOCK 8, OUTLOT NO. 56, DIVISION
B, GEORGE L. ROBERTSON SUBDIVISION, A SUBDIVISION RECORDED
IN VOL. 2, PG. 616, PLAT RECORDS, TRAVIS COUNTY, TEXAS, ALSO
BEING THE SAME TRACT RECORDED TO THE COMMUNITY WELFARE
ASSOCIATION IN VOL. 400, PG. 562, DEED RECORDS, TRAVIS COUNTY, TEXAS.

1192 ANGELINA STREET



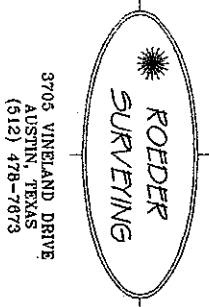
ANGELINA STREET (80' R.O.W.)

- TREE LIST:
T1 - 19" PALM
T2 - 12" ORNAMENTAL
T3 - 8" 7" 7" CHINA BERRY
T4 - 10" PECAN
T5 - 13" ELM
T6 - 11" ELM
T7 - 19" EASTERN RED CEDAR

1" = 20'

- LEGEND
● 1/2" IRON PIN FOUND
○ 1/2" IRON PIN SET
○ POWER POLE
○ WATER METER
○ CHAIN LINK FENCE
○ OVERHEAD ELECTRIC LINE
() RECORD INFORMATION

13-140



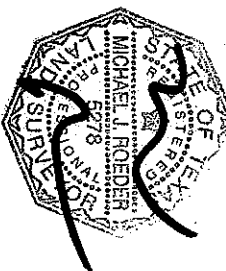
3705 VINELAND DRIVE
AUSTIN, TEXAS
(512) 478-7873

Certify: Heritage Title Company of Austin, Inc.
Reference: Jack Barron
G.F. #: 201202773
G.F. Date: 10-17-12
The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility esnts. except as shown and the property has access to a dedicated roadway.

The property shown hereon is located in Zone "X": areas outside the 500 year floodplain as shown on Community Panel Number 480624 0465 H of the FLOOD INSURANCE RATE MAP prepared for Travis County by the Federal Insurance Administration Department, H.U.D.
Effective Date: 9-26-08

NORTHEAST
CORNER LOT 3
BLOCK 5

ADJACENT HOUSES SHOWN: 9-24-13
DATE: 6-12-13



Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how 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 zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

Susan Walker, Planner
974-2202

Diana Ramirez, Administrative Specialist, Board Secretary
974-2241

Fax #974-6536

Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088

EXHIBITS TO BOARD OF ADJUSTMENT – VARIANCE APPLICATION:

Board of Adjustment Application

Supporting Documentation

Case No. _____

Owner: Jack Barron

Property: 1192 Angelina St., Austin, Texas


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#.	Permit/Case	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Related Folders
1	2012-116968 EX	2012-116968 EX	SR 473661 1192 Angelina St cross st Cotton Emergency water main repair	City Utility AWU/Storm		AWU 1192 Angelina St emergency water main repair	Active	No
2	2013-008136 PR	2013-008136 PR	Partial interior demolition to create courtyard; addition of pool, deck, and Quonset hut to serve as pool house, with rainwater catchment tank adjacent to hut.	R- 434 Addition & Alterations	Addition and Remodel	1192 ANGELINA ST	Approved	Yes
3	2013-034999 BP	2013-034999 BP	Partial interior demolition to create courtyard; addition of pool, deck, and Quonset hut to serve as pool house.	R- 434 Addition & Alterations	Addition and Remodel	1192 ANGELINA ST	Inactive Pending Revision	Yes
4	2013-035002 BP	2013-035002 BP	New pool 34.5" x 15' w/deck	R- 330 Accessory Use to Primary	New	1192 ANGELINA ST	Active	Yes
5	2013-035003 BP	2013-035003 BP	New construction 399 sf Quonset hut pool house with rainwater catchment tank.	R- 330 Accessory Use to Primary	New	1192 ANGELINA ST	Active	Yes
6	2013-034999 EP	2013-034999 EP	Partial interior demolition to create courtyard; addition of pool, deck, and Quonset hut to serve as pool house.	R- 434 Addition & Alterations	Addition and Remodel	1192 ANGELINA ST	Inactive Pending Revision	Yes
7	2013-034999 MP		Partial interior demolition to create courtyard; addition of pool, deck, and Quonset hut to serve as pool house.	R- 434 Addition & Alterations	Addition and Remodel	1192 ANGELINA ST	Inactive Pending Revision	Yes
8	2013-034999 PP	2013-034999 PP	Partial interior demolition to create courtyard; addition of pool, deck, and Quonset hut to serve as pool house.	R- 434 Addition & Alterations	Addition and Remodel	1192 ANGELINA ST	Inactive Pending Revision	Yes
9	2013-035002 EP	2013-035002 EP	New pool 34.5" x 15' w/deck	R- 330 Accessory Use to Primary	New	1192 ANGELINA ST	Active	Yes
10	2013-035002 MP		New pool 34.5" x 15' w/deck	R- 330 Accessory Use to Primary	New	1192 ANGELINA ST	Pending Permit	Yes
11	2013-035002 PP		New pool 34.5" x 15' w/deck	R- 330 Accessory Use to Primary	New	1192 ANGELINA ST	Pending Permit	Yes
12	2013-035003 EP	2013-035003 EP	New construction 399 sf Quonset hut pool house	R- 330 Accessory Use to Primary	New	1192 ANGELINA ST	Active	Yes
13	2013-035003 MP		New construction 399 sf Quonset hut pool house	R- 330 Accessory Use to Primary	New	1192 ANGELINA ST	Pending Permit	Yes
14	2013-035003 PP		New construction 399 sf Quonset hut pool house	R- 330 Accessory Use to Primary	New	1192 ANGELINA ST	Pending Permit	Yes
15	2013-054258 EP	2013-054258 EP	Temporary meter loop for permit # 2013-034999	Residential	Remodel	1192 ANGELINA ST	Final	No
16	2013-063366 AUXW	AUXW-2013-0011	AWU Rainwater Harvesting rebate program	Residential		1192 ANGELINA ST	Approved	No

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City of Austin BUILDING PERMIT

PERMIT NO: 2013-034999-BP
1192 ANGELINA ST

Type: RESIDENTIAL **Status:** Active
Issue Date: 04/24/2013 **EXPIRY DATE:** 10/21/2013

LEGAL DESCRIPTION Lot: Block: 8 Subdivision: GEO. L. ROBERTSON				SITE APPROVAL		ZONING SF-3-H-NP	
PROPOSED OCCUPANCY: Partial interior demolition to create courtyard; addition of pool, deck, and Quonset hut to serve as pool house.		WORK PERMITTED: Addition and Remodel		ISSUED BY: Angelica Yanez			
<p>City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date</p>							
TOTAL SQFT New/Addn: 450	VALUATION Tot Val Rem: \$52,000.00 Tot Job Val: \$40,000.00		TYPE CONST.	USE CAT. 434	GROUP	FLOORS 1	UNITS 1
TOTAL BLDG. COVERAGE 2588		% COVERAGE 23.3	TOTAL IMPERVIOUS COVERAGE 3611		% COVERAGE 38.5	# OF BATHROOMS 3	METER SIZE 5/8

Contact Applicant, Permit Partners General Contractor, Jack Barron	Phone (512) 517-7551 (503) 490-7535	Contact Owner, Jack Barron	Phone (503) 490-7535
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Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	278.00	4/24/2013	Demolition Permit Fee	55.00	4/24/2013	Development Services Surch	18.32	4/24/2013
Initial Residential Review Fee	125.00	4/24/2013						
Fees Total:	476.32							

Permit Review and plan must be posted on file. A layout inspection Pre-con must be made prior to beginning construction.

Inspection Requirements			
Building Inspection	Electric Inspection	Mechanical Inspection	Plumbing Inspection
Sewer Tap Inspection	Water Tap Inspection		

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.
A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments	
Residential Zoning Review	<p>Date 04/08/2013 Reviewer Christine Barton-Holmes</p>

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.


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FOLDER DETAILS

Section 25-11-94 Expiration and extension of permit (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection posted). If you allow this permit to expire you will be required to submit a new application & pay new fees.

Permit/Case	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Application Date	Issue Date	Expiration Date
2013-034999 BP	2013-034999 BP	Partial interior demolition to create courtyard; addition of pool, deck, and Quonset hut to serve as pool house.	R- 434 Addition & Alterations	Addition and Remodel	1192 ANGELINA ST	Inactive Pending Revision	Apr 8, 2013	Apr 24, 2013	Dec 7, 2013

Related Folders: [Yes](#)

FOLDER INFO

Information Description	Value
Smart Housing	No
Total New/Addition Bldg Square Footage	450
Total Job Valuation	40000
Building Inspection	Yes
Electric Inspection	Yes
Mechanical Inspection	Yes
Plumbing Inspection	Yes
Energy Inspection	Yes
Driveway Inspection	No
Sidewalks Inspection	No
Environmental Inspection	No
Landscaping Inspection	No
Tree Inspection	No
Water Tap Inspection	Yes
Sewer Tap Inspection	Yes
On Site Sewage Facility Inspection	No
Fire Inspection	No
Health Inspection	No
Existing Non-conforming	No
Existing Non-complying	Yes
Current Zoning for Building	SF-3-H-NP
Name of Neighborhood Plan	Central East Austin
Is this property in MUD ?	No
Ordinance # Related to Address/Project	C14H-87-004
Is there a Cut & Fill in excess of 4 ft	No
Building Height (in feet)	19
Parking Spaces Required	2
Number of Floors	1
Number of Units	1
Front Set Back	25
Rear Set Back	10
Side Set Back	5
Does property access a paved alley?	No
Proposed Use	SF Dwelling
Change of Use	No
Square Footage of Lot	9365.4
Building Valuation Remodel	29000
Electrical Valuation Remodel	9000
Will Addition have Electrical Work ?	Yes
Mechanical Valuation Remodel	9000
Will Addition have Mechanical Work ?	No
Plumbing Valuation Remodel	5000
Will Addition have Plumbing Work ?	No
Total Valuation Remodel	52000
Total Building Coverage on lot Sq. Ft.	2588
Total Building Coverage Percent of Lot	23.3
Total Impervious Coverage Square Footage	3611
Total Impervious Coverage Percent of Lot	38.5
Certificate of Occupancy to be Issued	Yes
Code Year	2006
Code Type	International Residential Code
Hazardous Pipeline Review Required	No
Public or Private	Private
Usage Category	434
Number of Bathrooms	3
Size of Water Meter	5/8

PROPERTY DETAILS

Number	Pre.	Street	Street Type	Dir	Suite Type	Suite Number	City	State	Zip	Legal Desc
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Subject: FW: 1192 Angelina Street rehabilitation
Attachments: 1192Angelina_addscope.pdf[3].zip; 121101_CoA_1192AngelinaSt.pdf

From: Jack Barron <jackbarron@acohotel.com>
Date: Tuesday, July 2, 2013 5:40 PM
To: "Hernandez, Tony [PDRD]" <Tony.Hernandez@austintexas.gov>
Subject: Re: 1192 Angelina Street rehabilitation

Mr. Hernandez,

I want to sincerely apologize for any confusion around this situation. I am sure I have not presented our case with much clarity or grace. I would ask that you reconsider your classification of our project as "new construction" and your requirement to seek a variance based on:

1. Under **§ 25-2-963 MODIFICATION AND MAINTENANCE OF NONCOMPLYING STRUCTURES- (B-1b)**: "Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements." We have provided photo documentation of the extensive termite and water damage as well a letter from an engineer attesting to the state of the structure. (See attached)
2. Section (F) refers to other conditions required to modify a building of this type. The replacement of framing was only done to remediate severe structural damage. There were no changes in any aspect of the building design or layout. We maintained the precise footprint, height and appearance of the original structure.
3. Under **§ 25-11-216 DUTY TO PRESERVE AND REPAIR**, as a National Historical Landmark, we are obligated to maintain and preserve the building, including Section (A): "The owner, or other person having legal custody and control of a designated historic landmark... shall preserve the historic landmark or contributing structure against decay and deterioration and shall keep it free from any of the following defects: (9) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight."
4. We are refurbishing this National Historical Landmark with the approval of the Preservation Commission. A majority of the original building has been preserved and we will be maintaining this important community Landmark's unique, historical appearance. All repairs were undertaken to structurally preserve the historical nature of the building. There are no changes to the building except those originally approved. To move walls into compliance would destroy the historical character of the building and defeat the purpose of historical preservation. It is our understanding that **§ 25-2-963** was designed to protect the city against McMansions and sprawling renovations. We are neither.

Clearly, our mistake here is that we did not address the permit office before we made these repairs. Again, this was out of ignorance, since doing so confers no advantage to us, nor did we change any aspect of the building design, footprint or approved renovations. In fact, this remediation was our worst case scenario, causing us to spend tens of thousand of dollars more than we had ever intended to spend. It was never our intention to circumvent city protocol. The remediation was done in good faith. In our naiveté, we responded to these conditions without any consideration that it was beyond the scope of our permit or would cause any problems, only that it was necessary and that the building would be unsafe until the repairs were done.

Despite our error, we have been able to provide documentation of the damage as well as letters from an engineer and a stucco expert regarding its extent. This documentation confirms the need to have made those repairs. With this, we were able to satisfy the concerns of Ms. Barr at the City and Mr. Sadowsky at Landmarks. Ms. Walker has made it clear that she is willing to rely on your interpretation. If there is some penalty or additional fees for not following protocol, we should be held accountable. However, we do not believe that the repairs require anything more than a revision to our original permit and that the requirement of a variance is not only unnecessary, but would create extreme hardship, both financially and to the integrity of the exposed structure if we are required to delay for much longer.

Again, my apologies for any initial confusion. I hope that In light of this additional information, you will reconsider your original opinion and allow us to revise our permit without requesting a variance.

Sincerely,

Jack Barron

JACK BARRON

ACE HOTEL PORTLAND
1022 SW STARK ST
PORTLAND, ORE 97205
MOBILE: 503.490.7535
ACEHOTEL.COM

From: <Hernandez>, "Tony [PDRD]" <~~Tony.Hernandez@austintexas.gov~~>

Date: Monday, June 24, 2013 4:22 PM

To: Jack Barron <~~jack.barron@acehotel.com~~>

Cc: "Walker, Susan" <~~Susan.Walker@austintexas.gov~~>, "McNabb, Dan" <~~Dan.McNabb@austintexas.gov~~>, "Barba, Leon" <~~Leon.Barba@austintexas.gov~~>, "Word, Daniel" <~~Daniel.Word@austintexas.gov~~>, "McDonald, John" <~~John.McDonald@austintexas.gov~~>

Subject: RE: 1192 Angelina Street rehabilitation

Mr. Barron,

The residential Building permit 2013-034999 for address 1192 Angelina St. status has been changed to inactive pending due to removing legal non-complying walls. The options at this point are to deconstruct and rebuild with complying setbacks or obtain a Board of Adjustments variance. For variance information please contact Susan Walker @ 512-974-2202 she is also included in this email. The status change will not allow inspections to be scheduled.

Gen	Yr	Sequence	Sec	Rev	Type	Status	
Number	20	13	034999	000	00	BP Building Permit	Inactive Pending

Property							Indicators	
House	Prefix	Street	Type	Direction	Unit Type	Unit	Violations	Properties
Address	1192		ANGELINA	STREET				
	City	Postal Code	Roll	Property Row ID				
	AUSTIN	78702	0207080712	526,910				
Location	Lot: Block: 8	Subdivision: GEO. L. ROBERTSON	Folder Unit				Parent	
							Child	
							Due	\$0

In Date	Apr 8, 2013	Issue/Approval	Apr 24, 2013	Expires	Dec 7, 2013
Reference File #	2013-034999 BP	By	Angelica Yanez	Final Date	
Sub	R- 434 Addition & Alterations	Work	Addition and Remodel		
Name	1192 ANGELINA ST	Priority			
Description	Partial interior demolition to create courtyard, addition of pool, deck, and Quonset hut to serve as pool house.				

Thank you,

Tony Hernandez, Residential Building Inspector Supervisor

City of Austin, Planning Development Review Department

505 Barton Springs Road, Suite 300
Austin, Texas 78704
Office (512) 974-2323

From: Jack Barron [mailto:~~jack.barron@acehotel.com~~]
Sent: Friday, June 21, 2013 2:58 PM
To: Barr, Susan
Subject: Re: 1192 Angelina Street rehabilitation

Susan,

Attached is an unmarked plan to show that there is no change in the building footprint or window layout and that the building is only being restored to its original condition per its National Landmark status and as confirmed by Steve Sadowsky and the Landmark Commission. Also, attached are 2 elevations with shaded red sections that show the major areas of repair. All remediation was undertaken solely to maintain the historical character and integrity of the building due to 80 years of irreparable termite and water damage.

Please let me know if you need anything else from me.

Again, thank you for your time.

Best,

Jack

JACK BARRON

ACE HOTEL PORTLAND
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PORTLAND, ORE 97205
MOBILE: 503.490.7535
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From: <Barr>, Susan [mailto:~~susan.barr@cityofaustin.gov~~]
Date: Wednesday, June 19, 2013 8:00 AM
To: Jack Barron [mailto:~~jack.barron@acehotel.com~~]
Subject: RE: 1192 Angelina Street rehabilitation

Jack,

From your calculations, are 50% or more of the exterior walls remaining in place?

Best Regards,

Susan

From: Jack Barron [mailto:Jack.Barron@acehotel.com]
Sent: Tuesday, June 18, 2013 4:38 PM
To: Barr, Susan
Subject: Re: 1192 Angelina Street rehabilitation

Thank you for making the revision. Do I call the inspection office to reactivate?

Jack

JACK BARRON

ACE HOTEL PORTLAND
1022 SW STARK ST
PORTLAND, ORE 97205
MOBILE: 503.490.7535
ACEHOTEL.COM

From: <Barr>, Susan <Susan.Barr@acehotel.com>
Date: Tuesday, June 18, 2013 3:00 PM
To: "Sadowsky, Steve" <Steve.Sadowsky@cityofaustin.gov>, Jen Turner <thejturner@gmail.com>, Jack Barron <Jack.Barron@acehotel.com>
Cc: "McGee, Alyson" <Alyson.McGee@cityofaustin.gov>
Subject: RE: 1192 Angelina Street rehabilitation

Hi Steve,

Thank you for the update. Will your department be attaching the received documentation for the exterior scope of work to the building permit in Amanda?

Best Regards,

Susan

From: Sadowsky, Steve
Sent: Tuesday, June 18, 2013 2:56 PM
To: Barr, Susan; Jen Turner (thejturner@gmail.com); Jack Barron (jack.barron@acehotel.com)
Cc: McGee, Alyson
Subject: 1192 Angelina Street rehabilitation

Hi Susan:

We have reviewed the existing conditions at this property and have administratively approved the revised proposal – we will not require a new hearing by the Landmark Commission for this revision. Please let me know if you have any questions.

Steve Sadowsky
Historic Preservation Officer
City of Austin, Texas
974-6454

Subject: RE: legal non-compliant for Historical Landmark
Date: Friday, June 28, 2013 10:12:32 AM Central Daylight Time
From: Walker, Susan
To: Jack Barron
CC: Jen Turner, Barr, Susan, Sadowsky, Steve, Hernandez, Tony [PDRD], McGee, Alyson

Mr. Barron,

I'm sorry that you have been lead to think that I have a determination in what has happened. I am not an inspector or a Residential Reviewer. The determination that has been made is out of my hands and the decision (from what I understand) has been made by Mr. Tony Hernandez. It would be up to you to work with him and anyone else in the Residential Review division that may have some sort of history of the situation.

Thank you,

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: Jack Barron [mailto:~~Jack.Barron@asshetts.com~~]
Sent: Friday, June 28, 2013 10:01 AM
To: Walker, Susan
Cc: Jen Turner; Barr, Susan; Sadowsky, Steve; Hernandez, Tony [PDRD]; McGee, Alyson
Subject: Re: legal non-compliant for Historical Landmark
Importance: High

Ms. Walker,

I'm not sure I understand how this could be considered new construction. The building is a Historical Landmark that we are refurbishing with the approval of the Preservation Commission. A majority of the original building has been preserved and we will be maintaining this important community Landmark's unique, historical appearance. All repairs were only undertaken in order to structurally preserve the historical nature of the building. To move any walls into compliance would undermine the historical character of the building and defeat the purpose of historical preservation.

I had no idea that this building was non-compliant or that making these repairs would trigger this response. I am deeply sorry to have taken these actions in such ignorance, for that I am certainly willing to be held accountable. However, it is also clear that the building would not have remained standing long had I not taken them. Furthermore, though we have willingly assumed the hardship of restoring and refurbishing a building of this type, to leave the building exposed in this state for 2-3 months would reverse everything we have done and make it unfeasible for us to continue.

I respectfully ask that you reconsider your designation of this building as a new structure or otherwise help to expedite our ability to be reviewed for a variance. I will provide you with the same documentation of the termite and water damage, letters from the our engineer and stucco contractor and the original inspection report that I have provided Landmarks in a separate email, since it is a very large document. Attached here are pictures of the original building.

If you could call me at 503-490-7535 to discuss further, that would be very helpful.

Thank you for your consideration,

Jack

JACK BARRON

ACE HOTEL PORTLAND
1022 SW STARK ST
PORTLAND, ORE 97205
MOBILE: 503.490.7535
ACEHOTEL.COM

From: <Walker>, Susan <Susan.Walker@austintexas.gov>
Date: Thursday, June 27, 2013 2:22 PM
To: Jack Barron <jack.barron@acehotel.com>
Cc: Jen Turner <thejen.turner@gmail.com>, "Barr, Susan" <Susan.Barr@austintexas.gov>, "Sadowsky, Steve" <Steve.Sadowsky@austintexas.gov>, "Hernandez, Tony [PDRD]" <Tony.Hernandez@austintexas.gov>
Subject: RE: legal non-compliant for Historical Landmark

Mr. Barron,

I am attaching a Board of Adjustment application for your review. If the scope of work went beyond what was approved on the permit, you will need to apply for a variance to reduce the setback (I am assuming) as if it were a new structure. That is not a section of the Land Development Code that can be overturned by myself or the Board of Adjustment, but would result in having to obtain a variance for new construction.

Thank you,

Susan Walker
Senior Planner
Planning & Development Review Department
Phone: 512-974-2202
Fax: 512-974-6536

From: Jack Barron <jack.barron@acehotel.com>
Sent: Monday, June 24, 2013 3:53 PM
To: Walker, Susan
Cc: Jen Turner; Barr, Susan; Sadowsky, Steve
Subject: legal non-compliant for Historical Landmark

Ms. Walker,

I called and left a message but I thought I would follow up with an email. We have been instructed to seek your opinion regarding a legal, non-compliant National Historic Landmark building. We are renovating a former Community Center, built in 1929, at 1192 Angelina St. in East Austin. We discovered that both the internal framing (up to the top plate) and the stucco were unsalvageable. Termite and water damage was almost total. The stucco was over 1 1/2" thick and coming off in chunks. We were forced to shore up the roof and existing parapet (which is about 3 ft high), cap the jagged footer and essentially re-frame new walls underneath. All the windows have been salvaged and will be replaced. The stucco will be replaced to its original 1929 finish and there is no change in footprint or appearance.

Naively, we made these repairs without realizing that it went beyond our permit scope. We were simply responding to what seemed a dire situation to restore the building. After being cited by the city, I met with a Technical Plans Examiner, Susan Barr, and showed her our documentation and letters from

consultants. She asked for approval on the remediation from Steve Sadowsky in the preservation office, which we received. However, Tony Hernandez in the permit office cites a statute regarding the replacement of more than 50% of the walls in a legal, non-compliant building and will not accept a revision without your approval. Both Ms. Barr and Mr. Sadowsky are of the opinion that since it is a landmark building and we are simply restoring it to its original condition, that it would not be necessary to have a hearing, but both are also very clear that you have the final word on these issues.

Please let us know what we need to do resolve this matter. I hope it is not inappropriate, but I have cc'd Ms. Barr and Mr. Sadowsky because they are both familiar with the issues at hand. I can make myself available at any time if you would like to discuss.

Best,

Jack

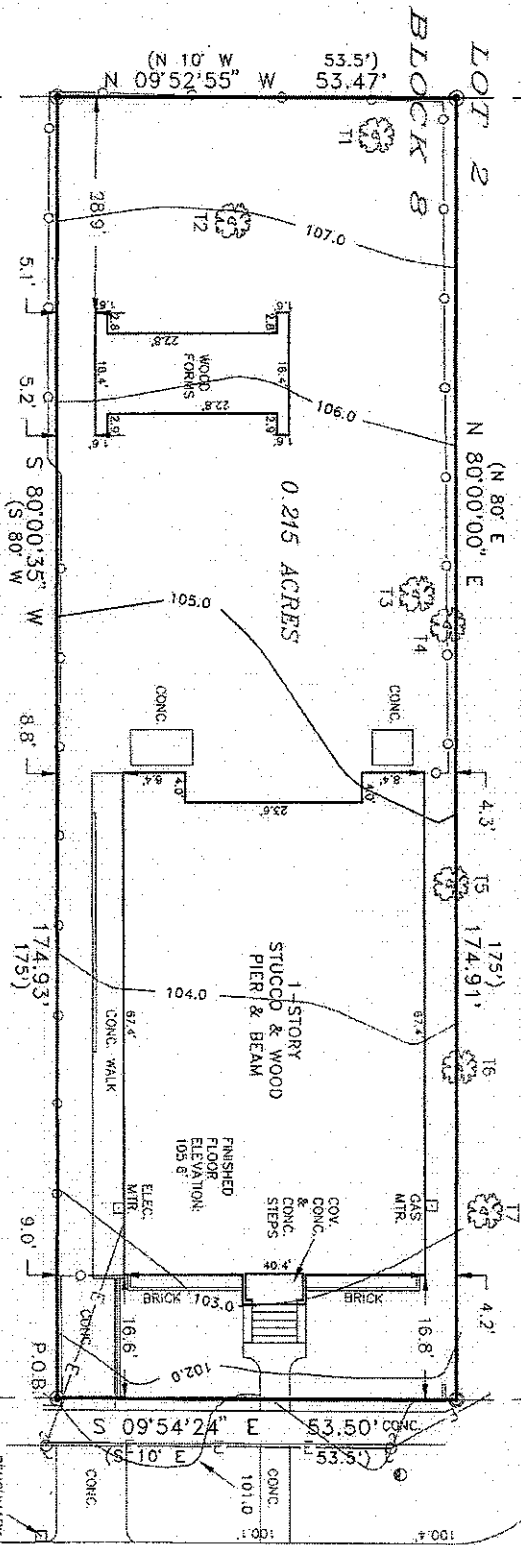
...

JACK BARRON

ACE HOTEL PORTLAND
1022 SW STARK ST
PORTLAND, ORE 97205
MOBILE: 503.490.7535
ACEHOTEL.COM

SURVEY OF 0.215 ACRES IN AUSTIN, TRAVIS COUNTY, TEXAS,
 BEING A PORTION OF LOT 2, BLOCK 8, OUTLOT NO. 56, DIVISION
 B. GEORGE L. ROBERTSON SUBDIVISION, A SUBDIVISION RECORDED
 IN VOL. Z, PG. 616, PLAT RECORDS, TRAVIS COUNTY, TEXAS, ALSO
 BEING THE SAME TRACT RECORDED TO THE COMMUNITY WELFARE
 ASSOCIATION IN VOL. 400, PG. 562, DEED RECORDS, TRAVIS COUNTY, TEXAS.

1192 ANGELINA STREET



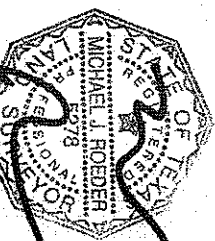
ANGELINA STREET (80' R.O.W.)

- TREE LIST:
- 11 - 19" PALM
 - 12 - 12" ORNAMENTAL
 - 13 - 8" 7" 2" CHINA BERRY
 - 14 - 10" PECAN
 - 15 - 13" ELM
 - 16 - 11" ELM
 - 17 - 19" EASTERN RED CEDAR

1" = 20'

- LEGEND
- 1/2" IRON PIN FOUND
 - 1/2" IRON PIN SET
 - WOODEN POLE
 - WATER METER
 - CHAIN LINK FENCE
 - OVERHEAD ELECTRIC LINE
 - () RECORD INFORMATION

13-121



DATE: 6-12-13

3705 VINELAND DRIVE
 AUSTIN, TEXAS
 (512) 478-7973

ROEDER
 SURVEYING

Certify: Heritage Title Company of Austin, Inc.
 Reference: Jack Barron
 G.F. #: 201202773
 C.F. Date: 10-17-12
 The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility esmts. except as shown and the property has access to a dedicated roadway.

The property shown hereon is located in Zone X: areas outside the 500 year floodplain as shown on Community Panel Number 480624 0465 H of the FLOOD INSURANCE RATE MAP prepared for Travis County by the Federal Insurance Administration Department, H.U.D.
 Effective Date: 9-26-08

Subject: 1192 Angelina Street rehabilitation

Date: Tuesday, June 18, 2013 2:55:37 PM Central Daylight Time

From: Sadowsky, Steve

To: Barr, Susan, Jen Turner (b1 [REDACTED]), Jack Barron

CC: McGee, Alyson

Hi Susan:

We have reviewed the existing conditions at this property and have administratively approved the revised proposal – we will not require a new hearing by the Landmark Commission for this revision. Please let me know if you have any questions.

*Steve Sadowsky
Historic Preservation Officer
City of Austin, Texas
974-6454*

Subject: RE: 013-034999-BP 1192 Angelina demo permit
Date: Tuesday, June 18, 2013 1:26:54 PM Central Daylight Time
From: Sadowsky, Steve
To: Jack Barron
CC: Jen Turner

Let me know when you go see Susan Walker – I am of the opinion that because the historic building is being refurbished, then a hearing by the Board of Adjustment is not necessary if all materials are being replaced in kind, but Susan is the final word on that.

Steve Sadowsky
Historic Preservation Officer
City of Austin, Texas
974-6454

From: Jack Barron [mailto:~~jack.barron@cityofaustin.com~~]
Sent: Monday, June 10, 2013 11:41 AM
To: Sadowsky, Steve
Cc: Jen Turner
Subject: Fwd: 013-034999-BP 1192 Angelina demo permit

Steve,

I called and left a message but I thought I would follow up with an email. Renovations of 1192 Angelina are happening at a brisk pace. We discovered that both the internal framing (up to the top plate) and the stucco were unsalvageable. Termite and water damage was almost total. The stucco was over 1 1/2" thick and coming off in chunks. We were forced to shore up the parapet and roof, cap the jagged footer and build new walls underneath. All the windows have been salvaged and will be replaced and there is no change in footprint or appearance. We were able to salvage fragments of the original sheathing which we hope to use in the interior.

We made these repairs without realizing that it went beyond our permit scope. After speaking with several different parties at inspections and getting different stories, the last was most dire, claiming that these repairs on a non-compliant building required a bureau of adjustment hearing. They said we needed to speak with Susan Walker at B of A. We thought since you were familiar with the building and its condition that you might have some insight into how we might address these issues. Any help would be appreciated.

Best,

Jack Barron & Jen Turner
503-490-7535

Begin forwarded message:

From: "Yadro, Paul" <Paul.Yadro@cityofaustin.gov>
Date: June 7, 2013, 12:27:15 PM CDT
To: Jack Barron <~~jack.barron@cityofaustin.com~~>
Subject: RE: 013-034999-BP 1192 Angelina demo permit

I would visit our office during our Walk-in Consultation hours and request to speak with a Planner for a consult into this matter and the scope of your work that was not included in the active Building Permit. It sounds like you will need to submit an application for remodel/repair at the least.

Our consultation hours are from 8am to 11am on Monday, Wednesday, and Friday.

Paul W. Yadro Jr., AICP
Planner Senior
Planning and Development Review Dept. - City of Austin
OSS / Residential Review Division
505 Barton Springs Rd, Austin, TX 78704
(512) 974-3553
~~Paul.Yadro@cityofaustin.gov~~

** We are currently experiencing a high volume of activity. We make every effort to respond to you by the end of the next business day. Thank you in advance for your patience. **

NEW HOURS Effective January 28th, 2013
Intake: Mon 8-11am, Wed 8-11am & 1-3pm, Fri 8-11am
Consultation: Mon/Wed/Fri 8-11am
CLOSED TUESDAY & THURSDAY (to perform reviews)

-----Original Message-----

From: Jack Barron [~~mailto:jack.barron@angelinahotel.com~~]
Sent: Friday, June 07, 2013 9:33 AM
To: Yadro, Paul
Cc: Jen Turner
Subject: 013-034999-BP 1192 Angelina demo permit

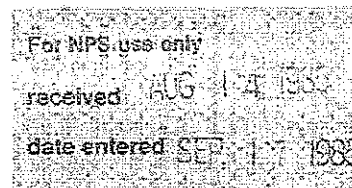
Mr. Yadro,

We are renovating a historic landmark building in east Austin. Our original demo permit (no.2013-034999-BP) was for a partial interior demolition. In the process, we discovered extensive, irreparable termite and water damage. Concurrently, we had to remove the stucco which was over an inch and half thick, with recessed sills and a cementious overlay that was peeling off in chunks. As a consequence, we have been having to reframe and resupport the exterior walls and will have to re-stucco the entire building. We are not changing the footprint or the appearance of the building, only repairing damage. Since we are neophytes in this process and were just responding to exigencies on site, we were unaware that we were exceeding the scope of the permit. We have pictures of much of the damage to the sills plates, framing and original sheathing. We would like to expand our permit to complete this process. Please let us know what we can do. Feel free to call me at the number below.

Thanks,

~~Jack Barron & Jen Turner~~

United States Department of the Interior
National Park Service
**National Register of Historic Places
Inventory—Nomination Form**



Continuation sheet

Item number all

Page 36

Site No. 21

Photo No. 25

Name: Community Center

Historic Name: Community Center

Address: 1192 Angelina Street

Date: 1929-1930

Present Owner: Community Welfare Assistance
% Mrs. F.R. Rice,
Chairperson
1609 East 7th Street
Austin, Texas 78702

Legal: North-central 53.5 x 175 feet of lot 2
Block 8, Outlot 56, Division B,
George L. Robertson Subdivision

Acreage: Less than one

Original Use: Community center

Current Use: Community center

U.S.G.S. Quadrangle: Austin East,
Texas, 1:24,000, 1966
Photorevised 1973

UTM Reference: 14/622620/3349480

Architectural Description:

Physical Condition: Good

Date(s) of Alterations: One window on the front facade was altered at an
undetermined date.

The Community Center is a simple, one-story, raised, stuccoed public building with a centered entrance portico and an arched entranceway. A conductor box and downspout are located on each side of the front facade between two evenly spaced, one-over-one windows. The structure has a stepped parapet which is topped by a coping expressed as a raised plaster band.

Significance:

Date: 1900-

Areas of Significance: Architecture, Social/Humanitarian

The Community Center is an intact public building whose simplified Mission Revival style is most unusual in East Austin. Plans for the Center began in 1927 when seven Negro federated clubs united to form the Community Welfare Association, a group intent on being a benevolent, charitable, health, and educational organi-

United States Department of the Interior
National Park Service

National Register of Historic Places
Inventory—Nomination Form

For NPS use only

received

date entered

Continuation sheet

Item number all

Page 37

zation. The building on Angelina Street was an outgrowth of their recognition of the need for a place where various Negro clubs could meet and where residents of the community could obtain health care. The Club was constructed in 1929-1930; activities which occurred there after its opening included milk distribution to families, providing of a nursery school (which Home Economics students at nearby Black colleges and public schools could observe), parental education classes, and establishment of a well-baby clinic.

