

**Sadowsky, Steve**

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**From:** Mike Mchone <[REDACTED]>  
**Sent:** Friday, December 06, 2013 2:53 PM  
**To:** Sadowsky, Steve  
**Cc:** 'Mike McHone'  
**Subject:** 507 W. 23rd; Dabney Horne House C14H-1989-0010

C4

Steve Sadowsky, Historic Preservation Officer, City of Austin;

Per your instructions and on behalf of my client , the University Cooperative Society, Inc., I hereby appeal the decision of the Historic Landmark Commission's denial of the Certificate of Appropriateness hear on December 6, 2013 to the Planning Commission per 25-11-247 (A) of the LDC of the City of Austin. To meet contractual obligations this case needs to be on the January 14<sup>th</sup> meeting of the Planning Commission.

Thank you,  
Mike McHone, authorized agent  
Cell: 512-554-8440



**HISTORIC LANDMARK COMMISSION**  
**Friday, December 6, 2013 – 12:00 P.M.**  
**SPECIALLY-CALLED MEETING**  
**Room 500, One Texas Center**  
**505 Barton Springs Road**  
**Austin, Texas**

**CURRENT BOARD MEMBERS:**

X *Laurie Limbacher, Chair*  
AB *Andrea Roberts*  
AB *Dan Leary*  
X *Mary Jo Galindo*

X *John Rosato, Vice-Chair*  
X *Leslie Wolfenden Guidry*  
X *Terri Myers*

**DRAFT ANNOTATED AGENDA**

**CALL TO ORDER**

**I. CITIZEN COMMUNICATION: GENERAL**

The first three speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

No speakers.

**II. PUBLIC HEARINGS**

**A. DISCUSSION AND ACTION ON APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS**

**1. C14H-1989-0010**

**Dabney-Horne House, 507 W. 23<sup>rd</sup> Street**

**Proposal:** Relocate the house to the northwest corner of the same lot.

**Applicant:** Mike McHone; Donna Carter

**City Staff:** Steve Sadowsky, Historic Preservation Office, 974-6454

**Committee Recommendation:** Keep the house where it is and remove non-historic additions and modifications to preserve the current setbacks.

**Staff Recommendation:** Staff supports the proposal to move the house a few feet to the northwest on the same site, and also supports the Committee's recommendation to investigate removal of non-historic additions before determining how far the house must be moved.

Staff made a brief presentation on the application for a Certificate of Appropriateness to move the house approximately 12 feet to the northwest on the same lot. Maria Sanchez of the City Law Department made a brief presentation on

the applicability of the restrictive covenant on the property and determined that the restrictive covenant should be addressed at some point, and that it probably would have been better practice for the applicant to have sought removal of the restrictive covenant prior to seeking the Certificate of Appropriateness to move the house for complete clarification of the issue of whether the restrictive covenant allows the house to be moved on the same lot.

Mike McHone presented the applicant's case to move the house on the same lot. Lin Team presented a letter from Preservation Austin against the move of the house. Sarah Crocker presented testimony against the move of the house. Mike McHone presented a rebuttal. The public hearing was closed.

**Motion:** Deny the Certificate of Appropriateness. **Vote:** 5-0 (Roberts and Leary absent).

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 4 days before the meeting date. Please call Tori Haase at Planning and Development Review Department, at 512-974-2727, for additional information; TTY users route through Relay Texas at 711.

For more information on the Historic Landmark Commission, please contact Steve Sadowsky at 512-974-6454.

**HISTORIC LANDMARK COMMISSION**  
**DECEMBER 6, 2013**  
**APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**  
**C14H-1989-0010**  
**Dabney-Horne House**  
**507 W. 23<sup>rd</sup> Street**

**PROPOSAL**

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Move the house approximately 12 feet northwest of its current site on the same lot.

**PROJECT SPECIFICATIONS**

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The applicant proposes to move the house approximately 12 feet north and 12 feet west of its current site on the same lot, which will place it in the northwest corner of the lot.

**STANDARDS FOR REVIEW**

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The Commission's Standards for Review of applications for Certificates of Appropriateness include:

- Do not destroy the distinguishing original qualities or character of a building, structure, or site and its environment. Avoid the removal or alteration of any historic material or distinctive architectural features.

**COMMITTEE RECOMMENDATIONS**

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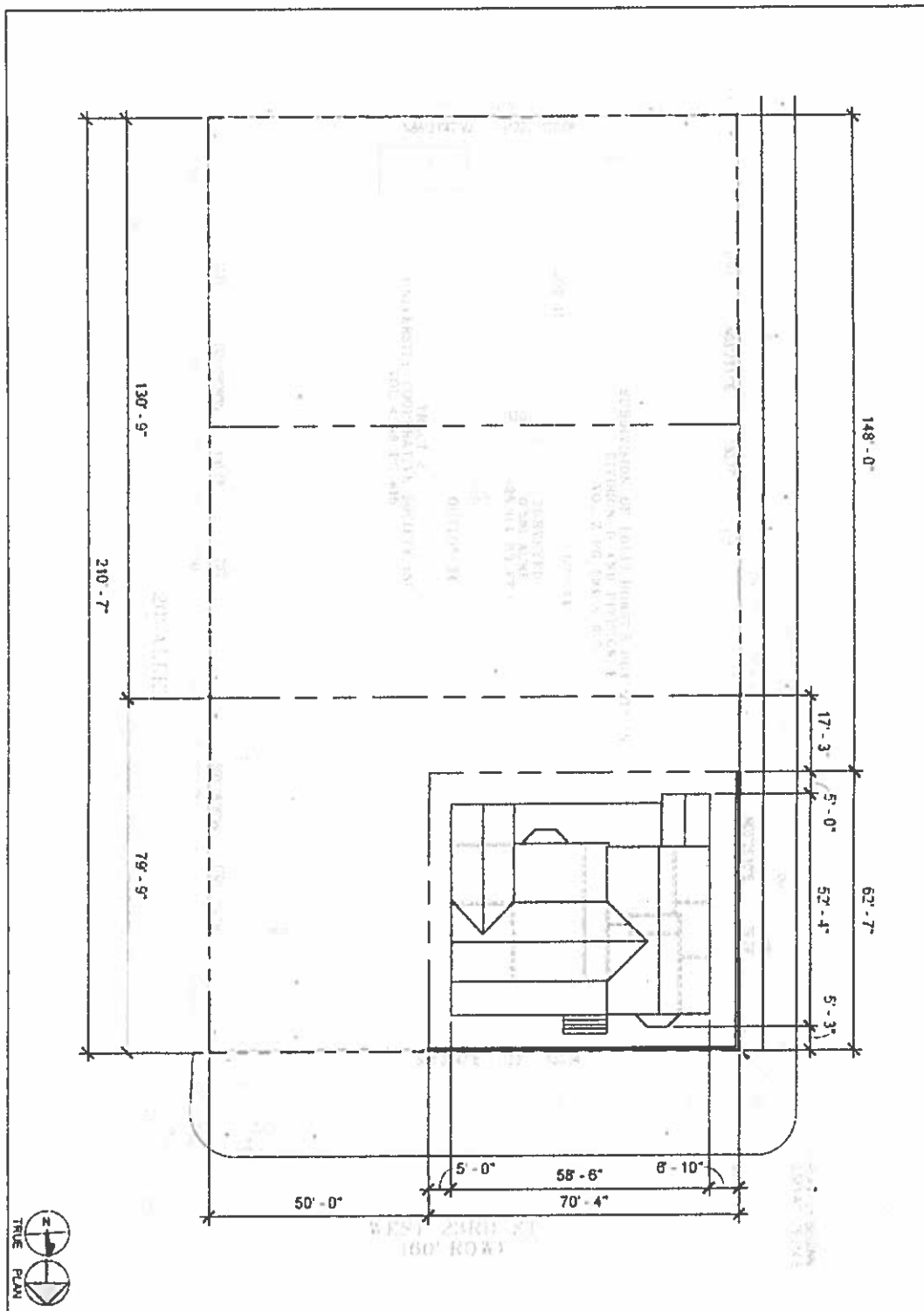
Keep the house exactly where it is and investigate removal of non-historic additions and modifications to restore it to its historic footprint and appearance.

**STAFF RECOMMENDATION**

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Staff can support the move of the house on the same lot, but recommends removal of non-historic additions to re-evaluate how far the house must be moved.

The applicant has provided the additional materials that the Commission requested at the September hearing.



**CARTER • DESIGN  
ASSOCIATES**  
817 WEST ELEVENTH STREET  
AUSTIN TEXAS 78701 (512) 476-1812  
ARCHITECTURE PLANNING PRESERVATION

## DABNEY HORNE HOUSE

507 W 23RD STREET  
AUSTIN TEXAS 78705

REVISED HISTORIC SITE

16 SEPTEMBER 2013

1" = 20'-0"

Steve,

Attached is an architectural site plan, showing the final configuration and location for the Dabney Horne House. This site is also being prepared by a surveyor by the Owner.

CDA has now had an opportunity to spend time at the site and with the structure. We have not been very successful at finding historic photos that show the property through the years, but we do have a 1900 S and a 1935 Sanborn map. The 1900 map shows the structure without the east and west bays, and also without the small entrance portico. The kitchen addition was already present as was the east cross gable. There were porches on both the front and rear of the structure. The rear porch clearly outlining a south (rear) bay structure within, as well.

On physical investigation it is clear that the west bay is an addition. The siding on the structure that houses the bay, does not match the siding of the main structure and the interior construction certainly does not look like the walls were framed at the same time. (The interior is less obvious without removing finishes). The west bay also does not match its side and the roof of the bay is awkwardly attached to the building. The front portico exhibits this same add on quality and there are water leaks and failed patch attempts that reinforce this observation. All of that is to reinforce the current Owner's preference to take it back to the 1900 footprint and remove the additions. The owner understands the additions may have attained status of their own and this may be open to discussion, but feels they have the evidence to show that Dabney had a much more modest house.

Donna D. Carter, FAIACARTER • DESIGN ASSOCIATES

817 West Eleventh Street, Austin, TX 78701



The house is proposed to be moved closer to this corner of the property by approximately 12 feet.





The house is proposed to be 12 feet closer to the front fence.



View of the front yard – the house will move 12 feet closer to the fence.





Side yard along Nueces Street – the house will move closer to this fence line.



HISTORIC ZONING CHANGE REVIEW SHEET

CASE: C14h-89-0010

H.L.C. DATE: February 24, 1992

P.C. DATE: March 3, 1992

NAME OF SITE: Dabney-Horne House AREA: 0.217 acres

APPLICANT: University Co-Operative Society AGENT: N/A

NEIGHBORHOOD ORGANIZATION: WEST UNIVERSITY NEIGHBORHOOD ASSOCIATION  
SAVE UNIVERSITY NEIGHBORHOODS

ADDRESS OF PROPOSED ZONING CHANGE: 507 West 23rd Street

LOCAL SURVEY OR RECOGNITION: Comprehensive Survey of Cultural Resources

NATIONAL REGISTER DISTRICT: No NATIONAL LANDMARK: No

RECORDED TEXAS LANDMARK: No CAPITOL VIEW: N/A

ZONING FROM: GO-CO

TO: GO-CO-H

SUMMARY STAFF RECOMMENDATION:

Staff recommends GO-CO-H, Community Commercial-Conditional Overlay-Historic zoning.  
(SEE ATTACHED)

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

To Grant GO-CO-H, Community Commercial-Conditional Overlay-Historic zoning.

PLANNING COMMISSION RECOMMENDATION:

To Grant GO-CO-H, Community Commercial-Conditional Overlay-Historic zoning. (Vote: 7-0) Consent.

DEPARTMENT COMMENTS:

CITY COUNCIL DATE: April 2, 1992

ACTION: Granted GO-CO-H. (Vote: 6-0)

ORDINANCE READINGS: 1ST 04/02/92

2ND 04/02/92

3RD 04/02/92

ORDINANCE NUMBER: 92-0402-F

CASE MANAGER: Antonio Gonzalez

PHONE: 499-2243

STAFF RECOMMENDATION (February 18, 1992)

C14H-89-0010

Staff recommends GO-CO-H, General Office-Conditional Overlay-Historic, zoning.

#### STRUCTURE BACKGROUND

DATE BUILT: c. 1883

ARCHITECT: Unknown\*

ORIGINAL OWNER: Robert L. Dabney

ARCHITECTURAL STYLE/PERIOD WITH DESCRIPTION OF ANY INNOVATIVE DESIGN, FEATURES, DETAILS, MATERIALS OR CRAFTSMANSHIP: Bay window and distinctive wood trim.

DATE AND EXTENT OF ALTERATIONS/ADDITIONS: The only addition that the staff is aware of is a ramp that has been added to the front porch.

The original windows have been replaced with metal windows.

\* Robert L. Dabney may have designed the house.

#### CASE BACKGROUND

This case was initiated in 1989, but was postponed indefinitely at the request of the owner after the Historic Landmark Commission had recommended approval of historic zoning for the structure (See Attachment "A").

The subject site was rezoned to GO-CO, General Office-Conditional Overlay, last year, under zoning case C14-91-0038, in order to bring the use of the property into conformance with the Land Development Code. One condition of the zoning approval was that the Dabney-Horne House be retained on the site.

#### BASIS FOR RECOMMENDATION

The Dabney-Horne House meets the following historical zoning designation criteria as listed in Sec. 13-2-103 of the Land Development Code.

1. Character, interest, or value as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas, or the United States.
6. Relationship to other distinctive buildings, sites, or areas which are eligible for preservation according to a plan based on architectural, historic, or cultural motif.

8. Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
9. Exemplification of the cultural, economic, social, ethnic, or historical heritage of the City, State, or the United States.
11. Identification with a person or persons who significantly contributed to the culture and development of the City, State, or United States.
12. A building or structure that because of its location has become of value to a neighborhood, community area, or the City.
13. Value as an aspect of community sentiment of public pride.

**SUMMARY OF ADDITIONAL INFORMATION**

Attachment "B": Ownership Information

Attachment "C": Occupancy Information

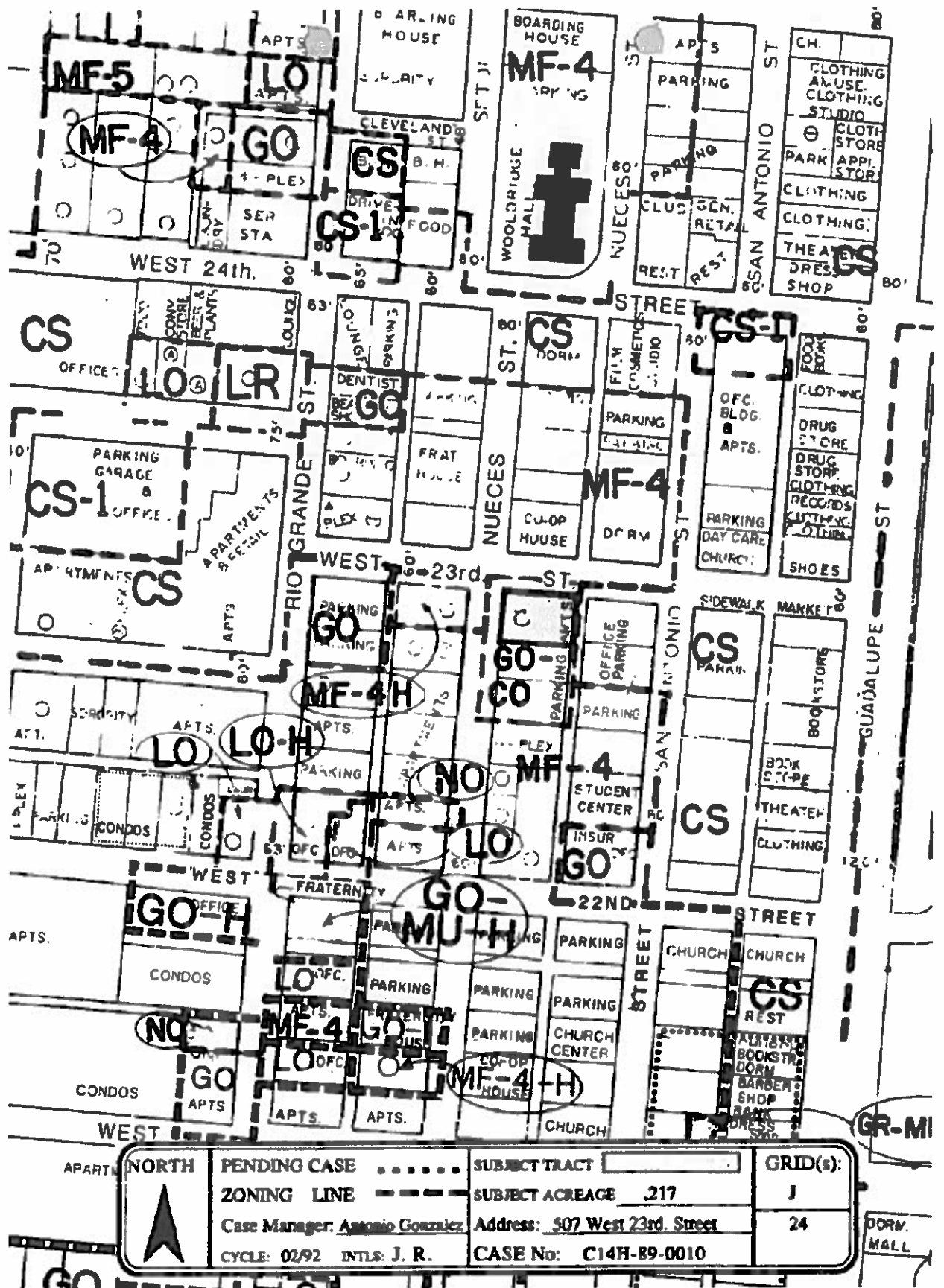
Attachment "D": Significant Persons Associated with the Structure/Site

NAME OF SITE: Dabney-Horne House	FILE NO. C14H-89-0010
SITE ADDRESS: 507 West 23rd Street	PARCEL NO. 02-1201-0414
LEGAL DESCRIPTION: Lot 13 & N. 9' of Lot 14	GRID NO. J/23,24
Outlot 34, Division D, Louis Horst's Subdivision	

PRESENT USE: Residential  
CONSTRUCTION / DESCRIPTION: One-story, frame residence.

\* Allegedly designed by Robert L. Dabney.





Historic Landmark Commission MINUTES - March 22, 1989

3. C14h-89-010

Dabney-Borne House  
307 W. 23rd Street

Staff reported that the house was placed on the agenda by the owner. The historical association of this structure and the contributions to the city by its owners are highly significant and apparent. The structure appears to meet Items (1), (6), (8), (9), (11) and (12) of the criteria; item (13) would be met if the structure were restored. Staff is recommending historic zoning.

Two persons spoke in favor of historic zoning:

Eugenia Schoch - former Landmark Commission member  
Mike McHone - Save University Neighborhoods

Both persons spoke to urge the Commission to zone the structure historic, and Mr. McHone urged that the maximum number of uses per permitted for this structure if it was zoned historic.

Speaking in opposition, B.J. Cornelius, representing the University Co-op (owners), showed slides of the house, and stated that it was the wish of the owners to move the house to a different location to make way for more parking for the business. They presently have two offers to purchase the structure and to relocate it. The owners are not interested in restoring the structure and will board it up within two months. The structure has been used in the immediate past as rental property, but because the structure is deemed as unsafe, that use has ceased. The owners do not feel the house is architecturally significant, and that it does not warrant historic zoning.

Commissioners Blake Alexander and Sharon Judge both stated that the house was in good condition with the Co-op acquired it, and it is the Co-op that has allowed it to deteriorate to this degree. Both felt that the owners should not be rewarded for allowing this deterioration.

COMMISSION ACTION: Christianson/Judge

Motion: To recommend historic zoning.

Ayes: Unanimous  
Absent: Creer, Fowler

THE MOTION PASSED BY A VOTE OF 8-0.

Chair Laurie Limbacher and Commissioners  
Historic Landmark Commission  
City of Austin  
Post Office Box 1088  
Austin, TX 78767-8865  
Sent via E-mail

Re: C14H-1989-0010, Dabney-Horne House, 507 W. 23<sup>rd</sup> Street

Dear Chair Limbacher and Commissioners:

The Plan Team for the Central Austin Combined Neighborhoods Plan (CANPAC) appreciates the postponement of the above case so that we could review it and express our position. At our regular meeting on June 17, 2013 we voted unanimously to oppose removal of the Historic Landmark Dabney-Horne House because it violates promises the owners made that the building would remain in place when the zoning was changed to GO in 1991. Furthermore, relocation of the building would also be contrary to the University Neighborhood Overlay of the CANPAC Plan, which declared the importance of retaining as many historic structures as possible while authorizing high-rise dense development in that area.

Placing the house in a neighborhood in East Austin where its architecture would blend in might seem a good idea, but the historic designation was based on two individuals whose prominence was rooted in the University of Texas and Austin Presbyterian Seminary institutions, located in the immediate vicinity of the house.

We urge you to deny the application for removal. Thank you for your consideration of our recommendation.

Sincerely,

Nuria Zaragoza and Adam Stephens, Co-Chairs  
CANPAC Plan Team



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT "\_\_\_\_"

PORTION OF LOT 13  
(ZONING DESCRIPTION)

**0.101 ACRES  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.101 ACRES (APPROXIMATELY 4401 SQ. FT.) BEING A PORTION OF LOT 13, SUBDIVISION OF LOUIS HORST'S OUTLOTS IN DIVISION D AND DIVISION E, A SUBDIVISION IN THE CITY OF AUSTIN, TEXAS, OF RECORD IN BOOK Z, PAGE 613 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE UNIVERSITY COOPERATIVE SOCIETY, INC., BY WARRANTY DEED DATED SEPTEMBER 28, 1972, OF RECORD IN VOLUME 4420, PAGE 2060 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.101 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron pipe found at the intersection of the east right-of-way line of Nueces Street and the south right-of-way line of West 23rd Street (platted Louisa Street) (60' right-of-way width) as shown on said Subdivision of Louis Horst's Outlots in Division D and Division E, being the northwest corner of said Lot 13, from which a 1/2" iron pipe found at the intersection of the east right-of-way line of Nueces Street and the north right-of-way line of West 23rd Street, bears North 03°31'00" East, a distance of 58.40 feet;

**THENCE** South 86°08'11" East, with the south line of West 23rd Street, being also the north line of Lot 13, a distance of 70.33 feet to a calculated point, from which a 1/2" rebar with cap found for the northeast corner of Lot 13, being also in the west line of a 20' Alley as shown on the said plat, bears South 86°08'11" East, a distance of 49.98 feet;

**THENCE** over and across Lot 13, the two (2) following courses and distances:

1. South 03°21'43" West, a distance of 62.58 feet to a calculated point;
2. North 86°08'11" West, a distance of 70.33 feet to a calculated point in the east line of Nueces Street, being also the west line of Lot 13, from which a 1/2" rebar with cap found for the southwest corner of Lot 14 of said subdivision bears South 03°21'43" West, a distance of 17.20 feet to a calculated point, and South 03°21'43" West, a distance of 61.61 feet;

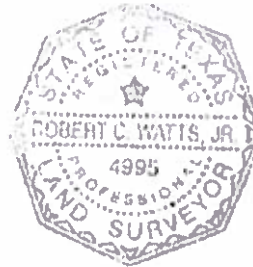


THENCE North 03°21'43" East, with the east line of Nueces Street, being also the west line of Lot 13, a distance of 62.58 feet to the POINT OF BEGINNING, containing 0.101 acres of land, more or less.

Surveyed on the ground on May 20, 2005. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA Control Network. Attachments: 484-001-Z1.

*unt 5 9.23-3*

Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



REFERENCES  
Austin Grid Map J-24  
TCAD Parcel No. 20357



**0.101 ACRES**  
APPROX. 4401 SQ. FT.

S86°08'11"E 120.31' (120')

15

H/CAP

LOT 13  
(7/613)

LOT 14  
(2/613)

W/CAS<sup>®</sup>

ALLEY  
(20' R.O.W.)

LOT 15  
DIVISION OF LOUIS  
T'S OUTLOTS IN  
N D AND DIVISION  
E  
(2/613)

STATE OF TEXAS  
REGISTERED  
ROBERT C. WAITS, JR.  
4995  
COMMISSION EXPIRES 12/31/2004  
PROFESSIONAL  
LAND SURVEYOR

Chaparra

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.101 ACRES (APPROXIMATELY 4401 SQ. FT.) BEING A PORTION OF LOT 13, SUBDIVISION OF LOUIS HORST'S OUTLOTS IN DIVISION D AND DIVISION E, A SUBDIVISION IN THE CITY OF AUSTIN, TEXAS, OF RECORD IN BOOK 2, PAGE 613 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE UNIVERSITY COOPERATIVE SOCIETY, INC., BY WARRANTY DEED DATED SEPTEMBER 28, 1972, OF RECORD IN VOLUME 4420, PAGE 2060 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°08'11"E	70.33'
L2	S03°21'43"W	62.58'
L3	N86°08'11"W	70.33'
L4	N03°21'43"E	62.58'
L5	S86°08'11"E	49.98'
L6	S03°21'43"W	17.20'

#### LEGEND

- 1/2" REBAR FOUND
- W/CAP ● 1/2" REBAR WITH CAP FOUND
- \* COTTON SPINDLE FOUND
- ▲ NAIL FOUND
- ⊙ 1/2" IRON PIPE FOUND
- △ CALCULATED POINT



THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 484-001-Z1.

DATE OF SURVEY: 5/20/2005  
 PLOT DATE: 9/23/2013  
 DRAWING NO.: 484-001-Z1  
 PROJECT NO.: 484-001  
 DRAWN BY: RCW  
 SHEET 2 OF 2

*Chaparral*



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

From: ch [\[mailto:cbhivllc@earthlink.net\]](mailto:cbhivllc@earthlink.net)

Sent: Thursday, October 24, 2013 12:30 PM

To: mike

Subject: Construction and Development

Mr McHone,

You are authorized to represent our intreats as the potential owner and developer of the 507 W 23rd Project. Further more in the presentation of the final development of the building, rendering, moving of the historical home and any other aspect required for said approvals.

Sincerely,  
C.B. Harbour



Steve Sadowsky  
Historic Preservation Officer  
City of Austin  
505 Barton Springs RD.  
Austin, Texas 78704

November 13, 2013

Re: Dabney-Horne House 507 W. 23<sup>rd</sup> Street; C14H-1989-0010

Dear Mr. Sadowsky:

CBHIV LLC has contracted to purchase from the University Cooperative Society the property at 507 W. 23<sup>rd</sup>, and 2209-2211 Nueces Street. The purchase is contingent upon the University Cooperative Society obtaining the necessary regulatory approvals to allow for the modification of the site area zoned Historic, moving of the house, and removal of the post 1900 additions as shown in the exhibits presented by Donna Carter Associates.

CBHIV LLC will purchase the property and perform these task as approved and when permitted by the City of Austin.

Mike McHone Real Estate (Mike McHone) is our authorized agent to speak to these matters as maybe

required

Sincerely,  11/6/13

Cliff Harbour, managing partner



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
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3500 McCall Lane  
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**THENCE** South 86°08'11" East, with the south line of West 23rd Street, being also the north line of Lot 13, a distance of 70.33 feet to a calculated point, from which a 1/2" rebar with cap found for the northeast corner of Lot 13, being also in the west line of a 20' Alley as shown on the said plat, bears South 86°08'11" East, a distance of 49.98 feet;

**THENCE** over and across Lot 13, the two (2) following courses and distances:

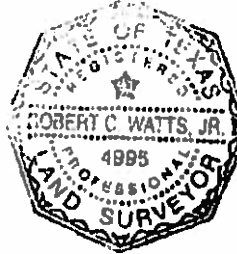
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2. North 86°08'11" West, a distance of 70.33 feet to a calculated point in the east line of Nueces Street, being also the west line of Lot 13, from which a 1/2" rebar with cap found for the southwest corner of Lot 14 of said subdivision bears South 03°21'43" West, a distance of 17.20 feet to a calculated point, and South 03°21'43" West, a distance of 61.61 feet;

**THENCE** North 03°21'43" East, with the east line of Nueces Street, being also the west line of Lot 13, a distance of 62.58 feet to the **POINT OF BEGINNING**, containing 0.101 acres of land, more or less.

Surveyed on the ground on May 20, 2005. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA Control Network. Attachments: 484-001-Z1.

*Robert C. Watts, Jr.* 9.23-13

Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



**REFERENCES**  
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TCAD Parcel No. 20357



1" = 30'

WEST 23RD STREET  
(60' R.O.W.)

0.101 ACRES  
APPROX. 4401 SQ. FT.

P.O.B.

S86°08'11"E 120.31' (120')

S85°58'05"E  
20.02'

L1

L5

W/CAP

LOT 13 AND NORTH 9' OF  
LOT 14  
SUBDIVISION OF LOUIS  
HORST'S OUTLOTS IN  
DIVISION D AND DIVISION E  
(Z/613)

LOT 13  
(Z/613)

UNIVERSITY COOPERATIVE  
SOCIETY, INC.  
(4420/2060)

L3

LOT 14  
(Z/613)

RECORD LOT LINE (Z/613)  
(120')

W/CAP

S85°48'18"E 120.27'

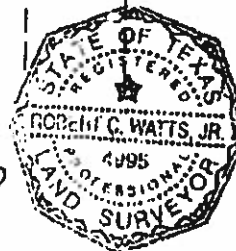
ALLEY  
(20' R.O.W.)

SOUTH 61' OF LOT 14  
SUBDIVISION OF LOUIS  
HORST'S OUTLOTS IN  
DIVISION D AND DIVISION  
E  
(Z/613)

LOT 15  
SUBDIVISION OF LOUIS  
HORST'S OUTLOTS IN  
DIVISION D AND DIVISION  
E  
(Z/613)

DATE OF SURVEY: 5/20/2005  
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DRAWING NO.: 484-001-Z1  
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DRAWN BY: RCW  
SHEET 1 OF 2

Chaparral



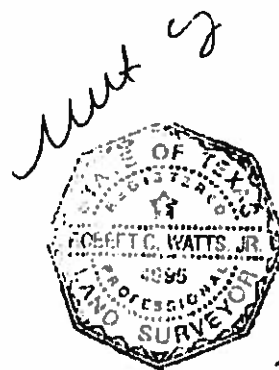


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- ▲ NAIL FOUND
- ⊙ 1/2" IRON PIPE FOUND
- △ CALCULATED POINT



9-23-13

DATE OF SURVEY: 5/20/2005  
 PLOT DATE: 9/23/2013  
 DRAWING NO.: 484-001-Z1  
 PROJECT NO.: 484-001  
 DRAWN BY: RCW  
 SHEET 2 OF 2

THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 484-001-Z1.

*Chaparral*

Thanks for getting back to me quickly. As I mentioned, the attachment contains the recorded Restrictive Covenant on this property. This RC was required as a condition of the rezoning of the property from MF-4 H to GO-H. As I read the RC, I see two potential issues:

1. (The Dabney-Horne Home existing on the Property on the date of execution of the restrictive covenant shall be retained on the Property); can the HLC grant a Certificate of Appropriateness to A) remove the portions of the home that are not of the Historical Period (1900) as shown on "Period of Significance 1900"; and B) move the home as requested and shown on the "Zoning ".

We understand that the reduction in the area currently zoned Historic "H" would required both HLC and PC recommendations and CC approval. If required, the RC could be amended or clarified during that process. Currently, we appear to be stuck with HLC reluctant to go forward without some direction from City Legal. Your assistance would be greatly appreciated.

Please call me with to discuss.

Thanks,  
Mike  
Cell: 512-554-8440

Steve,

Mike Mchone contacted me and requested I send you an e-mail concerning the Law Department interpretation concerning the Restrictive Covenant (RC) on this property. Mr. Mchone indicated that this RC was required as a condition of the rezoning of the property from MF-4 H to GO-H. The RC provides that, "The Dabney-Horne home existing on the Property on the date of execution of the restrictive covenant shall be retained on the Property."

I suggested that Mr. Mchone submit an application to terminate the RC. The application to terminate a RC is processed like a zoning case. The RC provides that the RC can be terminated only by joint action of both a majority of the members of the City Council of the City of Austin and the owners of the Property at the time of such termination.

I understand that his client is requesting that the HLC grant a Certificate of Appropriateness to remove the portions of the home that are not of the Historical Period (1900) as shown on "Period of Significance 1900" and move the home .

He indicated that the HLC was reluctant to go forward without some direction from the City Law Department.

One way to resolve the issue of the RC is for both the cases to proceed at the same time (the HLC and the zoning case to terminate the RC).

He indicated that the HLC would be considering this matter on November 18<sup>th</sup>.

Let me know if you have any questions.

Maria

**Maria Sanchez**  
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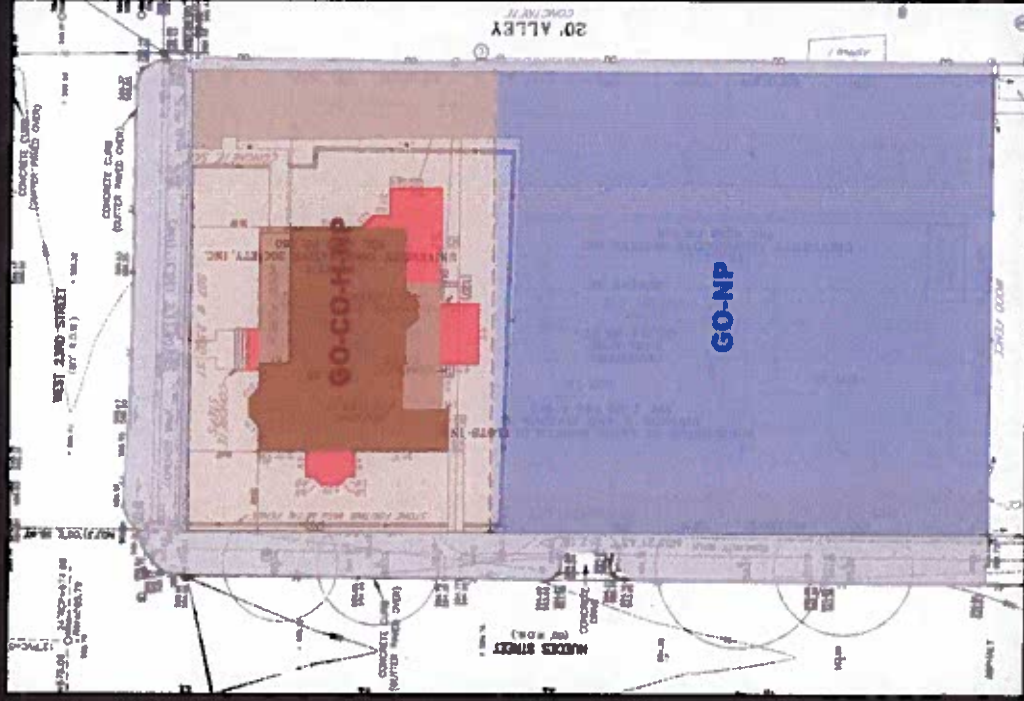


## Requesting approval of:

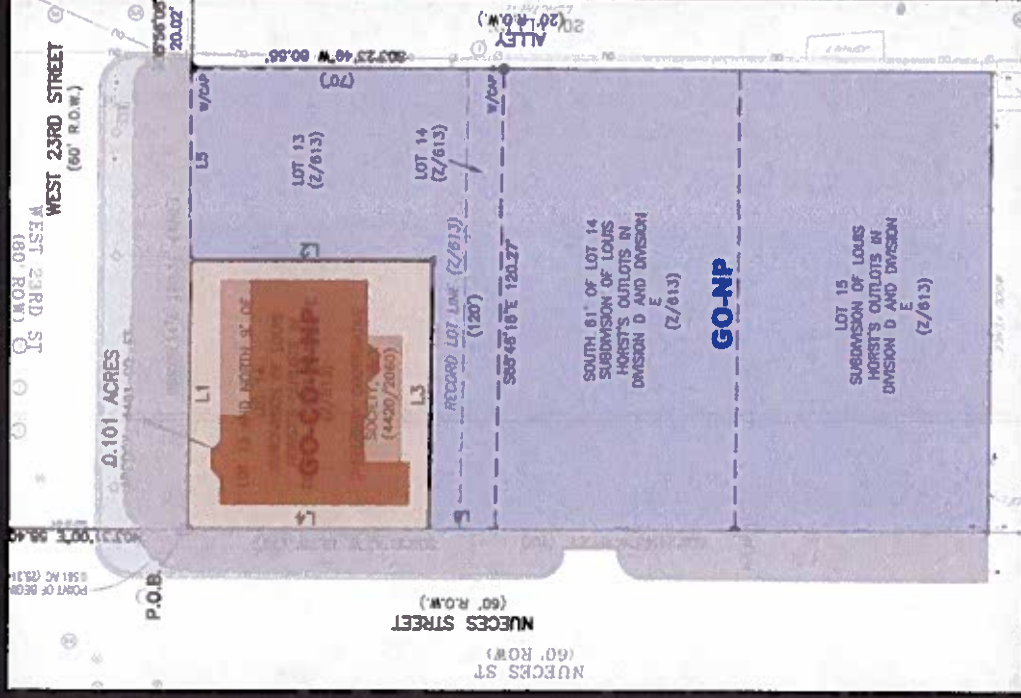
- Revision to metes and bounds of current site with Historic zoning designation.
- Removal of additions to building in preparation for rehabilitation based on 1900s configuration.
- Relocation of historic building on current site.



# Item 1: Zoning



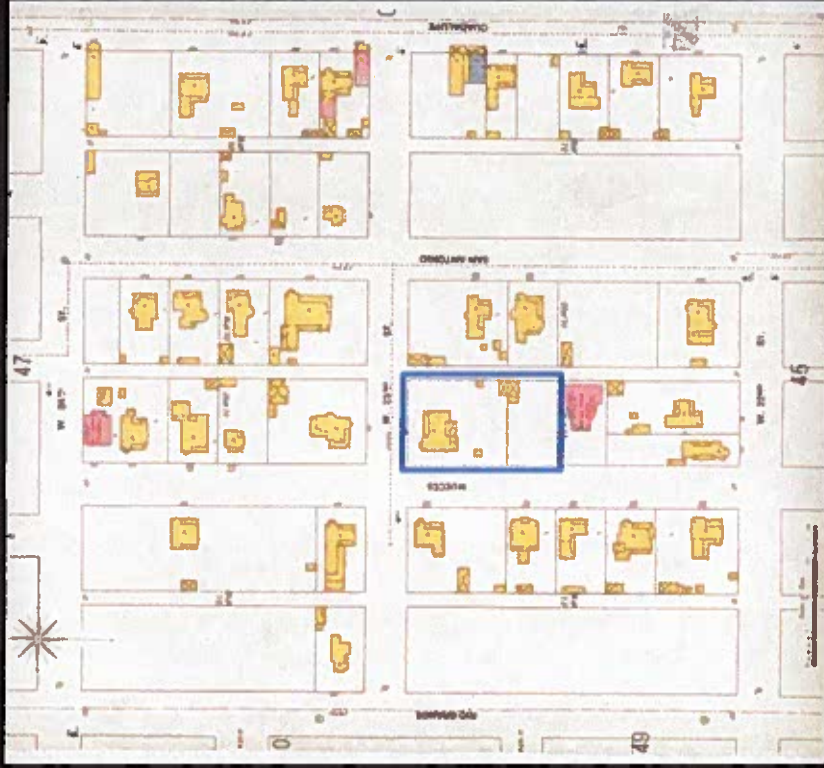
HISTORICALLY ZONED SITE



PROPOSED W/ CURRENT CURB



# Item 1: Zoning

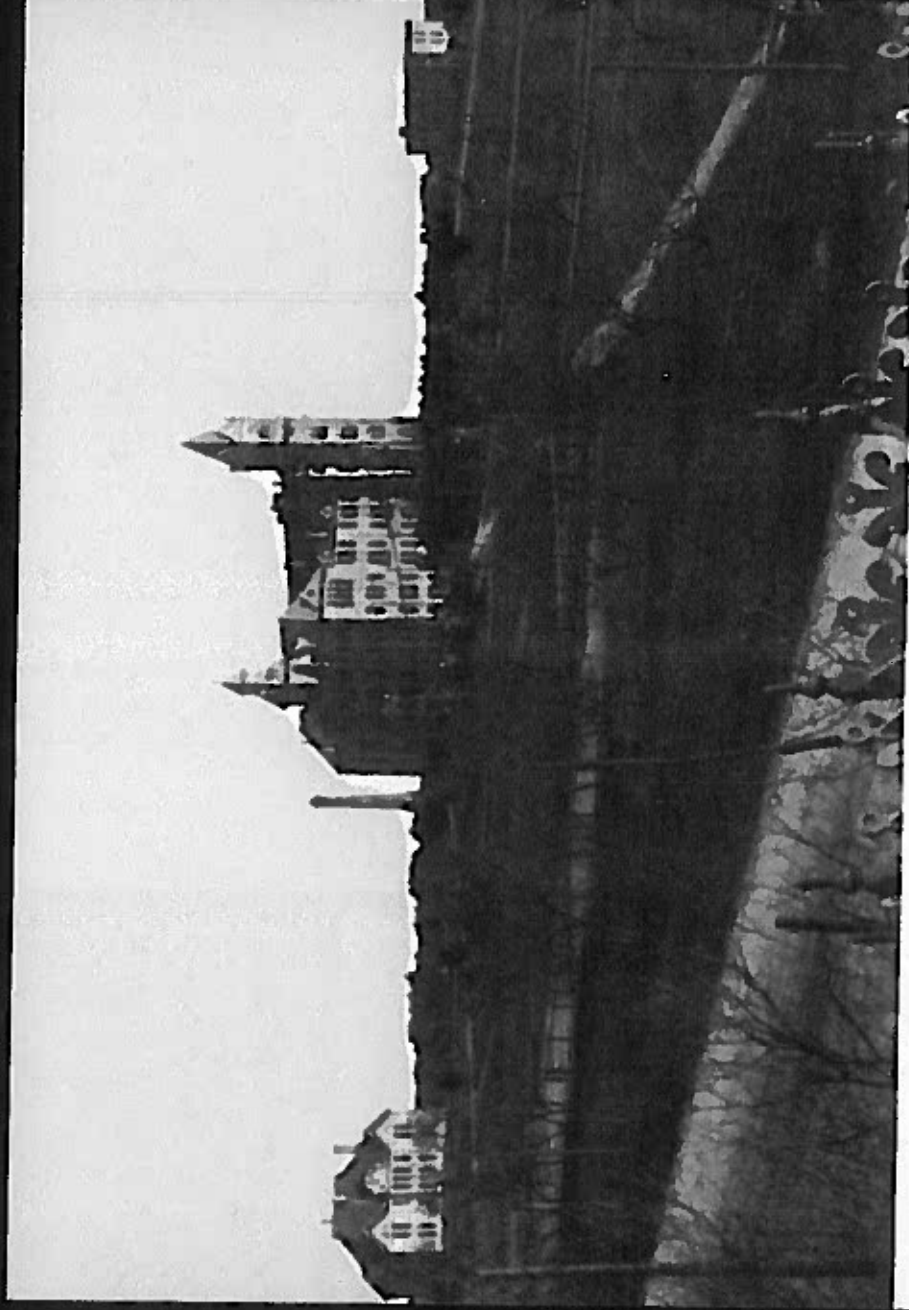


1900



CURRENT

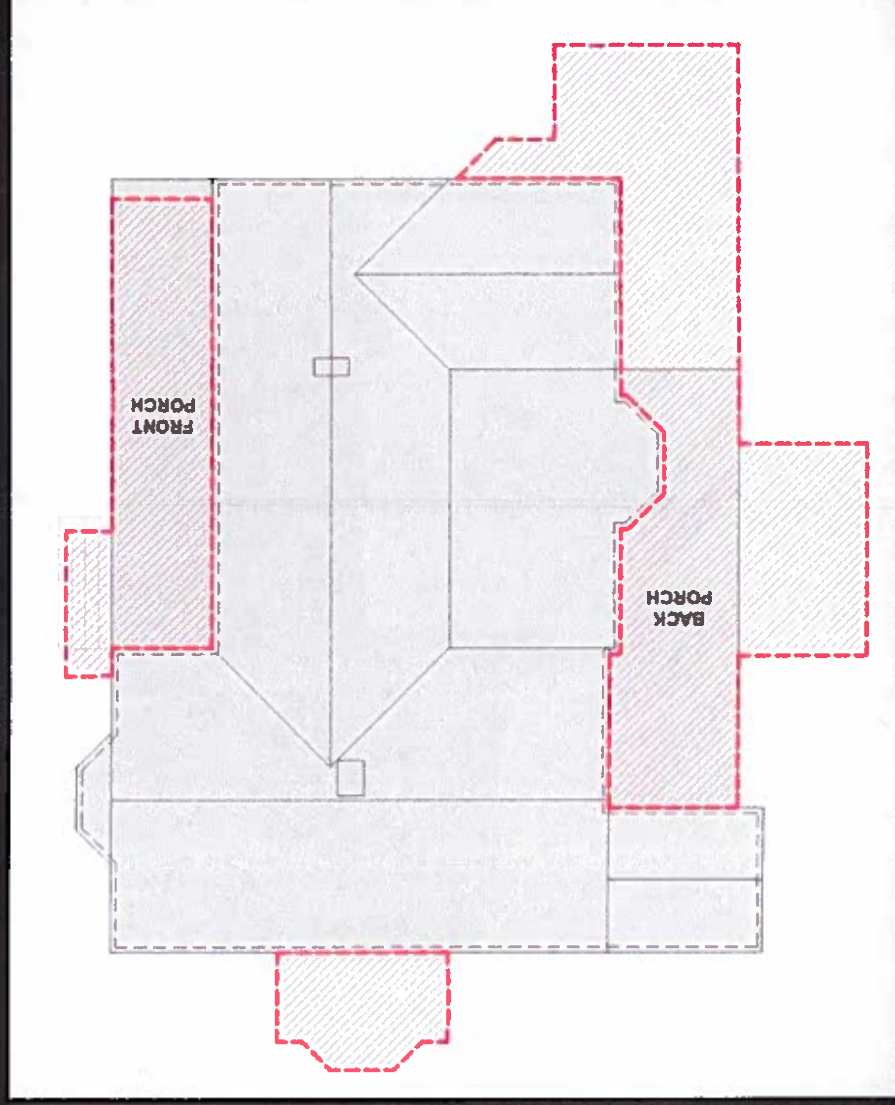
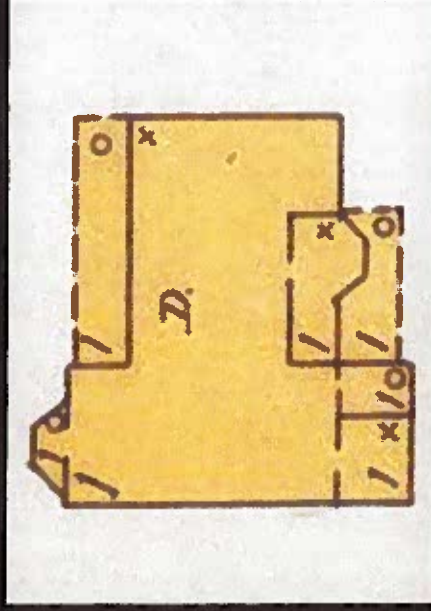
## Item 2: Period of Significance 1900



The University of Texas at Austin campus 1900



# Item 2: Period of Significance 1900



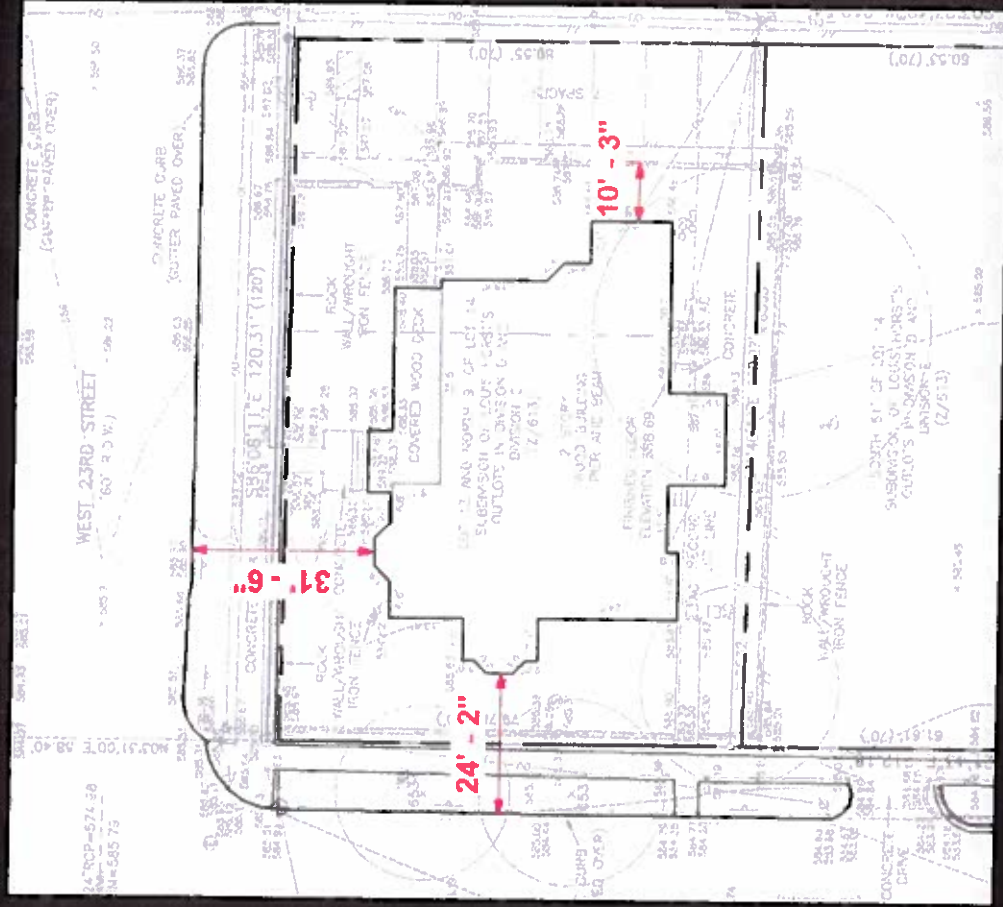


## Item 3: Relocation within Site

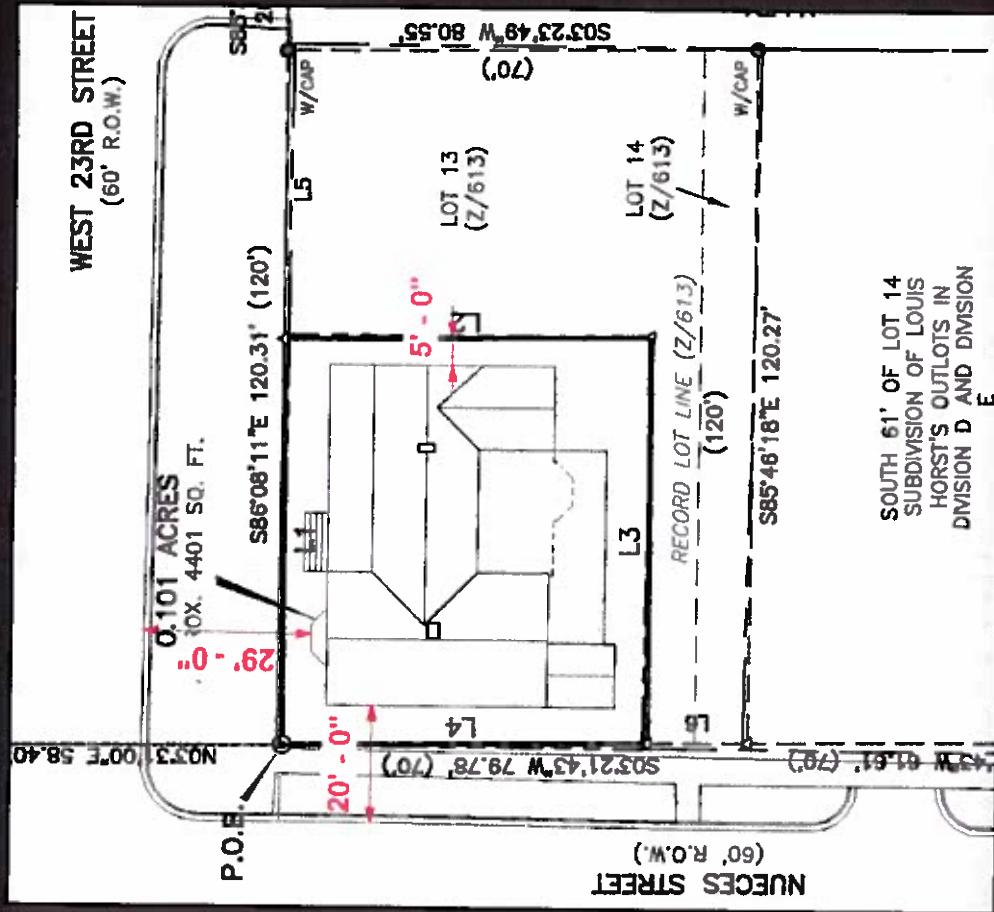




# Item 3: Relocation within Site



HISTORICALLY ZONED LOCATION



PROPOSED LOCATION

# Item 3: Relocation within Site



23<sup>RD</sup> STREET

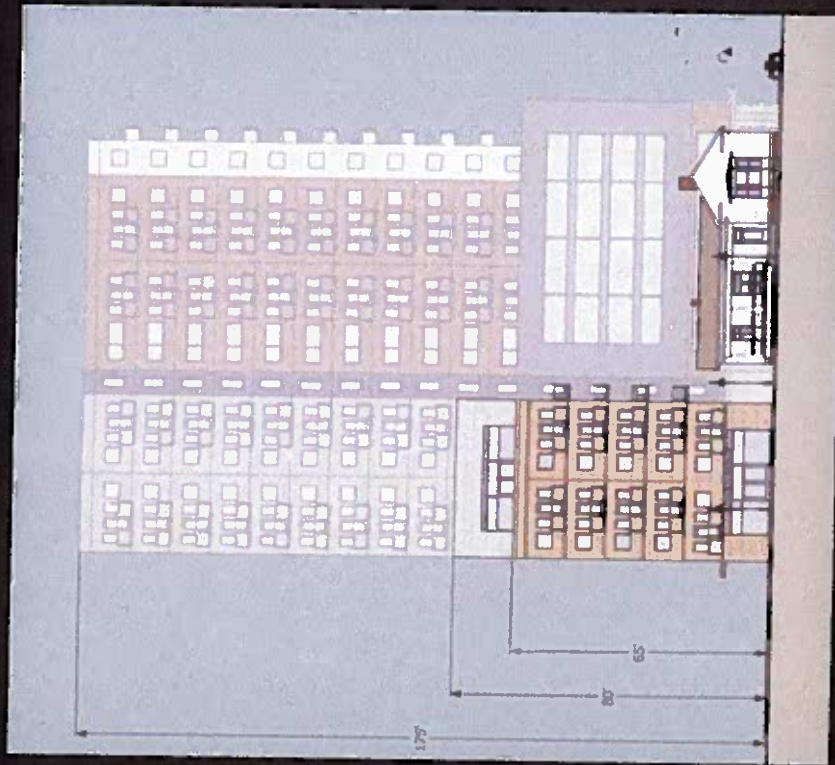


NUECES









23<sup>rd</sup> STREET ELEVATION



NUECES STREET ELEVATION

## Requesting approval of:

- Revision to metes and bounds of Historic Site.
- Removal of additions to building in preparation for rehabilitation based on 1900s configuration.
- Relocation of historic building on current site.