

Sadowsky, Steve

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

CL
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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 14th meeting of the Planning Commission.

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

C6/2

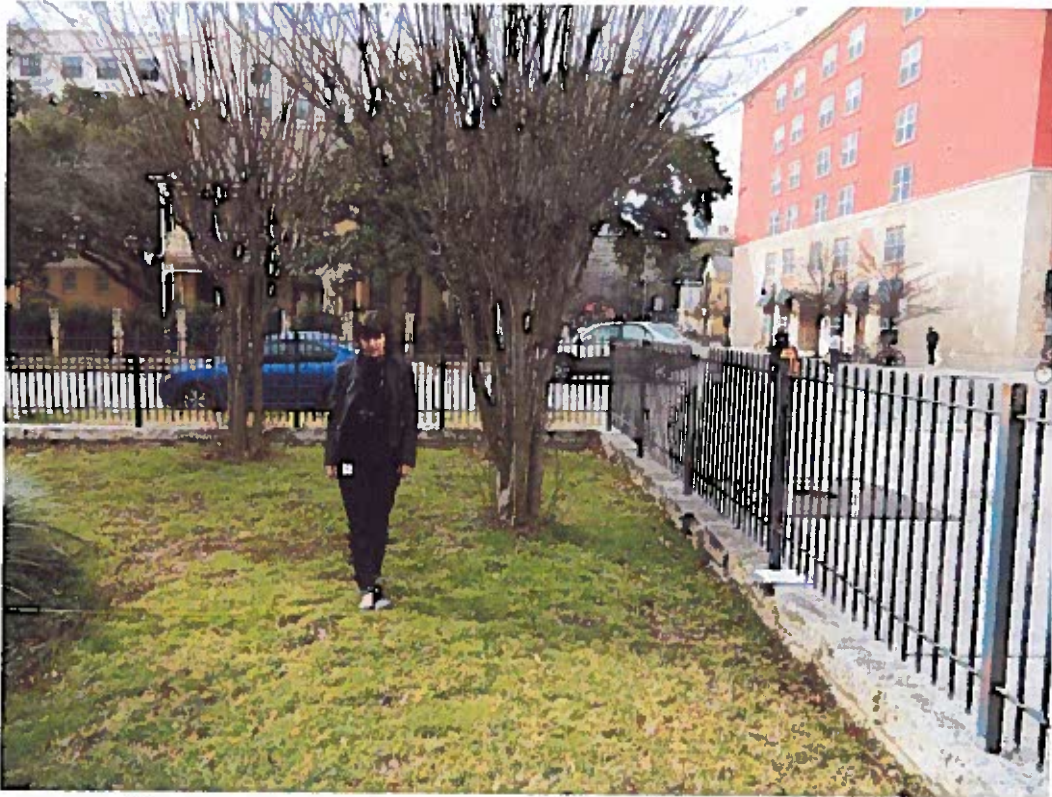


View showing the proposed 12-foot move from the current site of the house.

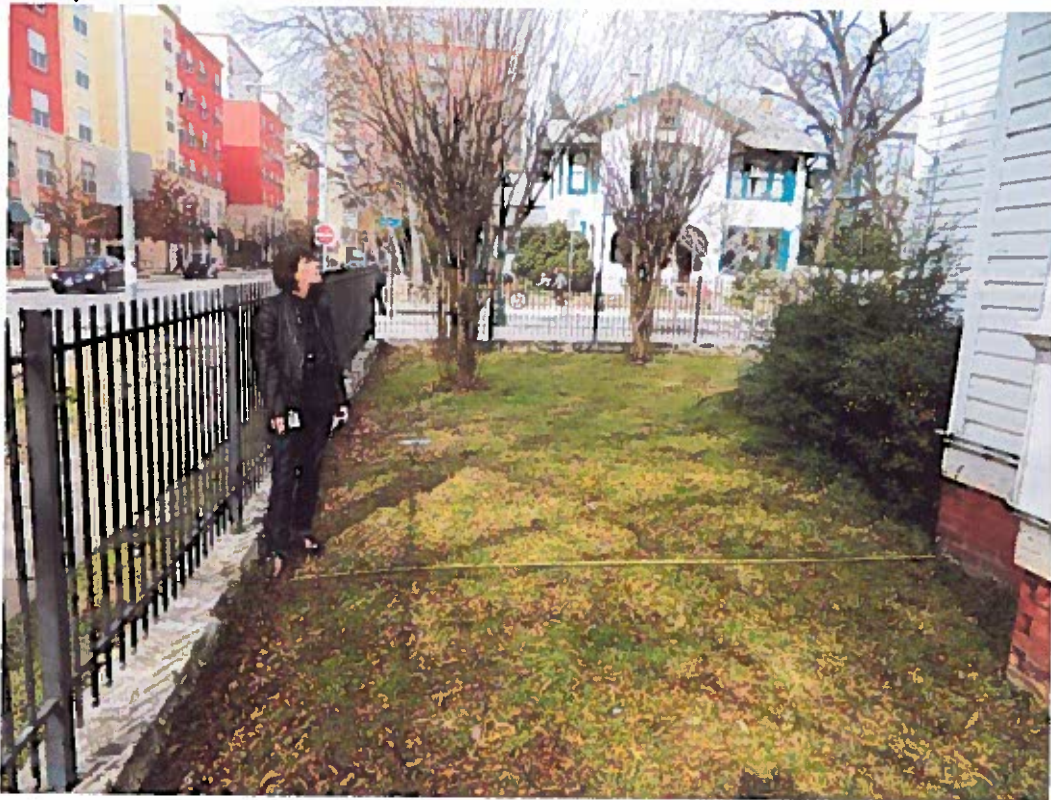


Same view as above showing the distance to the front fence

CLY 3

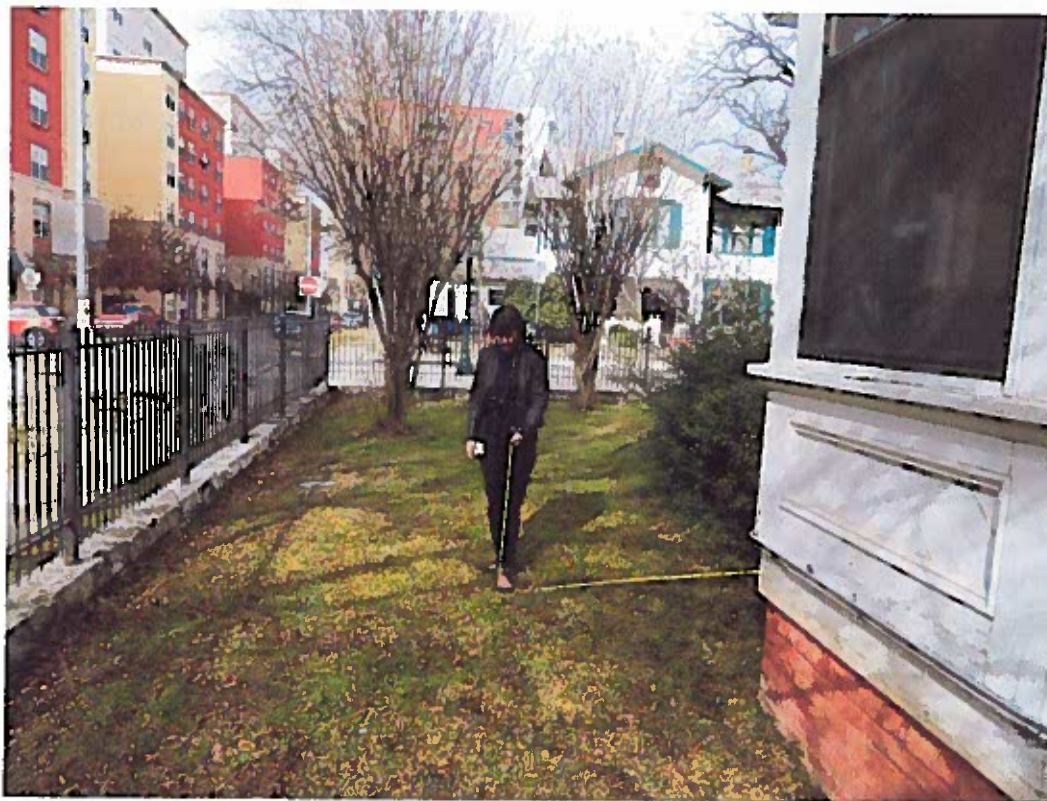


Better view showing where the front wall of the house will be after the proposed relocation approximately 12 feet to the north.



View showing the place where the house will be (up against the rock wall) gauging 12 feet from the furthest front portion of the Nueces Street side of the house.

C6
/A



View showing where the side of the house will be if the 12 feet is measured from the side of the house that does not include the projecting bay.



View of where the above picture shows the measuring distance from.

C. 6/5



CL/6

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*

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. 23rd 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.

CE/4

COMMISSIONER LIMBACHER : I'd like to call to order the December 6th specially called meeting of the City of Austin Historic Landmark Commission. Mr. Sadowsky, will you call the role please?

STEVE SADOWSKY: Sure, Laurie Limbacher

COMMISSIONER LIMBACHER: Here

STEVE SADOWSKY: John Rosato

COMMISSIONER ROSATO: Here

STEVE SADOWSKY: Mary Jo Galindo

COMMISSIONER GALINDO: Here

STEVE SADOWSKY: Terri Myers

COMMISSIONER MYERS: Here

STEVE SADOWSKY: Leslie Wolfenden

COMMISSIONER WOLFENDEN-GUIDRY: Here

STEVE SADOWSKY: Andrea Roberts

NO REPLY

STEVE SADOWSKY: Dan Leary

NO REPLY

COMMISSIONER LIMBACHER: Ok, Thank you Mr. Sadowsky. I think we have one item on the agenda and, did you want to give us a presentation?

SS: I had not actually prepared anything. This is an application to move the Dabney-Horne House approx. 12 feet on the same lot. It has been before the Commission several times and Staff is recommending the move with the condition that the move be reassessed if less, or if the removal of the non-original additions would allow the house to move less than the proposed distance.

COMMISSIONER LIMBACHER: So that is what you say here on A-1.1?

SS: yes

COMMISSIONER LIMBACHER: So commissioners, did we have questions for Mr. Sadowsky and what he just presented or in the packet which we have received?

COMMISSIONER ROSATO: I just have clarification on what you were saying. On this it shows, if I am understanding it, we are talking about moving the property 12.5 feet to W

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23rd Street and the larger move is, getting it closer to Nueces; with the removal of this, which I guess we have no problem with in terms with historically, the removal of this appendage on the building. I know we have talked about it several times. It seems like that is consistent with the era that we are trying to go back to, is that right?

SS: Yes

COMMISSIONER LIMBACHER: Yes

COMMISSIONER ROSATO: Ok. So, in moving this, is it possible for the house not to have to move quite so far towards Nueces Street?

SS: Well, that is exactly what my condition to my recommendation is, that if, the house doesn't have to be moved the full 12 feet after restoration of the original structure, it should be moved less.

COMMISSIONER ROSATO: Right

COMMISSIONER MYERS: How much less and we don't have an illustration of that.

SS: The applicants are here. I think they can present that information for you.

COMMISSIONER WOLFENDEN-GUIDRY: Before we get into that, I would really like to have Ms. Sanchez explain what the restrictive covenant is at this time.

ATTORNEY MARIA SANCHEZ: Ok. So the restrictive covenant is a public restrictive covenant, and it provides that the Dabney-Horne Home existing on the property on the date of execution of this restrictive covenant shall be retained on the property. Now, that language to me is somewhat vague and it can be interpreted in various ways. Whether it can be removed, well, it can't be removed from the property but whether it can be relocated on the property is another question. So one way to address that would be to clarify or modify the restrictive covenant to address that; so that it says that it can be relocated on the property but not away from the property.

COMMISSIONER LIMBACHER: Does it address the size of the lot or anything like that?

ATTORNEY, MARIA SANCHEZ : I don't have the complete restrictive covenant, but what you would look at is the language, and it doesn't say.

COMMISSIONER LIMBACHER: So you don't have the original document, you only have what the applicant has provided to you?

ATTORNEY, MARIA SANCHEZ: I have a copy, but what I was looking at was the language that is in question about whether the house could be moved on the property, and it says it shall be retained on the property so that's the provision that we're looking at that's in question.

COMMISSIONER WOLFENDEN-GUIDRY: Well the other thing that is in question is that it looks like the lot size is being downsized as well, and I don't know if that's covered by the restrictive covenant or not. Or am I reading this wrong?

Cb/a

COMMISSIONER MYERS: No I think you're reading it right.

ATTORNEY, MARIA SANCHEZ: I didn't see anything...

COMMISSIONER LIMBACHER: What does the covenant...can you read the entirety of the covenant please?

ATTORNEY, MARIA SANCHEZ: Well the covenants are the Dabney-Horne Home existing on the property at the date of execution of this restrictive covenant shall be retained on the property. If any person or any entity shall violate or attempt to violate this agreement, covenant, it should be lawful for the City of Austin to prosecute proceedings at law or in equity against such person/entity violating or attempting to violate such agreement or covenant to prevent the person/entity from such actions, and to collect damages for such actions. So in other words it's in essence saying the City of Austin can enforce the restrictive covenant, and if any part of this agreement or covenant is declared invalid by judgment or court order the same shall in the way effect any of the other provisions of this agreement, or such remaining portions of this agreement shall remain in full effect. So it has a severance clause, and it says at any time if the City of Austin fails to enforce this agreement whether or not any violations of it or known such [inaudible] shall constitute a waiver or estoppel of right to enforce it. And also provides this agreement can be modified/amended/terminated by joint action vote of the majority of the members of city council of the City of Austin, and by the owners of the property at the time of such modification and/or termination.

That is the portion I reviewed because I was only aware...the certificate of appropriateness was to relocate the house. I was not aware of the change in lot size.

COMMISSIONER ROSATO: And if I'm correct, we have no authority over the restrictive covenant or changing a restrictive covenant.

ATTORNEY, MARIA SANCHEZ: Right, that would be another process. That would be an application to amend the restrictive covenant and that is like a zoning case. That would go through a different process to modify it.

COMMISSIONER ROSATO: Maybe it's not true but it seems, shouldn't that be done first before this comes to us?

ATTORNEY, MARIA SANCHEZ: Well that would've been what I would have done.

COMMISSIONER LIMBACHER: Yes

ATTORNEY, MARIA SANCHEZ: If I was the applicant I would have done that because that would have been cleaner. And that's why I think if there's any question if the language allows for the property to be relocated even on the property. Because to me it could be interpreted that it has to be retained at the same side on the property, so to avoid that I would've probably modified the restrictive covenant, and that would've been done simultaneously.

C6/10

COMMISSIONER LIMBACHER: If we take action that could be perceived as being in conflict with the restrictive covenant are we in effect waiving or voiding, or whatever the word was in there, the restrictive covenant on behalf of the City of Austin?

ATTORNEY, MARIA SANCHEZ: Let me look at this again. The restrictive covenant is subject to interpretation, but that language talks about if at any time the City fails to enforce the agreement then it would be voided...our right to enforce it. So if you vote and you are interpreting the restrictive covenant as providing that the house would have to be retained at the same location on the property then you would be waving your right to enforce, the city would be waving its right to enforce...that would be my opinion.

COMMISSIONER LIMBACHER: And restrictive covenants generally are private agreements?

ATTORNEY, MARIA SANCHEZ: Well they can be private or public in this case this is a public restrictive covenant and the authority to enforce it is the City of Austin, has the right to enforce it.

COMMISSIONER LIMBACHER: Over any owner of the subject property?

ATTORNEY, MARIA SANCHEZ: Right, it gives the city... based on this language its given the city the right to enforce it.

COMMISSIONER LIMBACHER: Other questions for Miss Sanchez? Okay, are there other questions or discussions for Mr. Sadowsky?

COMMISSIONER MYERS: I think the restrictive covenant is clear in one regard that the house must remain on the property. What we're looking at is what part of the property, which is not addressed in the restrictive covenant and I think that Commissioner Wolfenden alluded to this issue, moving the house and reducing the amount of the property changes the property and thus changes the relationship of the house to the property insofar as the restrictive covenant is concerned. I just throw that out there to see if anyone else thinks that my opinion the house on its site, where it is, retains integrity of its location, and moving it, kind of shunting it aside to the corner of the property doesn't follow the intent of the restrictive covenant.

COMMISSIONER WOLFENDEN-GUIDRY: It also changes the neighborhood feel as well. Typical setbacks, so the remaining historic homes that are on these couple of blocks, it also changes the setbacks.

STEVE SADOWSKY: I think as a point of order before we get into this we need to open up the public hearing.

COMMISSIONER LIMBACHER: Right, thank you. So are there any other questions for Mr. Sadowsky or Ms. Sanchez before we open the public hearing?

COMMISSIONER ROSATO: I guess maybe I'm slow, but I'm just trying to get an answer, do we have the authority to change a restrictive covenant?

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ATTORNEY, MARIA SANCHEZ: You? The commission? The city does, but this commission does not have that authority. There's a process for modifying/amending a restrictive covenant it follows the same process that a zoning case does and that would not go before you. That would not be considered by your commission.

COMMISSIONER ROSATO: Because this would be a totally different hearing for us if the city council removed the restrictive covenant.

ATTORNEY, MARIA SANCHEZ: Or modified it.

COMMISSIONER ROSATO: Or modified it. I mean the decisions that we have to make for the property and all that

ATTORNEY, MARIA SANCHEZ: The issue that you are here to determine is the certificate of appropriateness. Whether to grant that certificate

COMMISSIONER LIMBACHER: Well in part that relates very specifically to the restrictive covenant because as discussed here the restrictive covenant could be read to say that the house may not be moved and there the decision is made for us.

ATTORNEY, MARIA SANCHEZ: That's right. It's your interpretation of the restrictive covenant yes, and the decision whether to relocate the house on that property.

COMMISSIONER LIMBACHER: Ok. Other questions for Mr. Sadowsky or Mrs. Sanchez? Alright, then we'll open the public hearing and by our order of business we'll hear from those in support of the relocation permit application.

MIKE MCHONE: Hi there, my name is Mike McHone, and I am representing the project. Appreciate y'all coming out on a cold, unsunny day, Friday, and I would like to clarify some of the issues before you. You know what we're trying to do: we're trying to save the historic building by relocating it, and restoring it to its 1900 status. It needs to be moved for the buyer to be able to do that, and have the funds necessary to make the project work. This property was zoned under a historic zoning case back in 1989 in which it was zoned historic and the full authority of this commission relates to that 1989 case. In 1991 the co-op filed a zoning case to change the zoning, the base district zoning from multi-family to office in that process the city council enacted a restrictive covenant. To me, the restrictive covenant is a redundant requirement. But out of an abundance of precaution, after talking with the city legal and the questions that this commission raised, we have filed both a zoning change to reduce the area that is zoned historic and a restrictive covenant modification case. Both of which will go before the Planning Commission and City Council as soon as possible. It is necessary for us to go forward with a Certificate of Appropriateness as a condition of the sale of the property because if they cannot get a building permit, a footprint that is sufficient to build a building, then you have in your packet the sale that might proceed and it is imperative that the sale proceed and we [inaudible] timelines. We did not and our attorneys did not interpret the restrictive covenant as being something that was the purview of this Commission and this Commission is an advisory commission and the City only abandons it enforcement when its, in our opinion, when staff fails to act or The City Council fails to act on the restrictive covenant on that '91 case. The historic case, which is before you, the '89 case, gives you the authorization to say, is this an appropriate action as an advisory Commission to the City Council.

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COMMISSIONER LIMBACHER: Let me just correct that. My understanding of our authority is that we make recommendations regarding zoning. But our authority is absolute with respect to Certificate of Appropriateness, unless it's appealed.

MIKE MCHONE: And, well...

COMMISSIONER LIMBACHER: So we are not advisory in that regard which is the issue before us.

MIKE MCHONE: Right, whatever.

COMMISSIONER LIMBACHER: I just want to make that clear.

MIKE MCHONE: Thank you, whatever. Since 1991 major changes speak to your point about the neighborhood. Major changes have occurred. In '91, this was an area in which most of the properties were at least forty years old and in decline. There were a few historic buildings around that were saved. We enacted a neighborhood plan that was a large compromise in which this area was given an overlay and this property is in the center of that overlay, and this property is in the center of that overlay, the center of that height to allow the student body to return to the University, to walk the campus and relieve the pressure on those other historic neighborhoods such as Hyde Park, North University, East Woods, I could go on and on. All of the central neighborhoods where we hope to have more single-family neighbors. So we hope that you can see beyond the confusion that was created in 1989 and 1991 by a, what I consider to be a redundant process; putting a restrictive covenant on a historic building that already had all the protections of the historic zoning ordinance and we'd be happy to answer any questions. I believe we have given you the adequate information about what the proposal is and we'd be happy to answer anything that you might have in the way of questions.

COMMISSIONER LIMBACHER: Thank you. Questions for Mr. McHone?

COMMISSIONER ROSATO: Do you know what the required set-back is; building set-back is from the property line in this zoning? Is there...

MIKE MCHONE: Zero.

COMMISSIONER LIMBACHER: And what is the base zoning? Is that...

MIKE MCHONE: The base zoning is GO, but the overlay allows it to go to zero.

COMMISSIONER ROSATO: Setbacks?

MIKE MCHONE: Zero set-backs. What we are trying to do and showing that, is that by widening the sidewalk, the actual distance that we are changing from the existing, preexisting 1991 curb to the existing curb, because we've widened all of the sidewalks is about the same. And we...the envelope that we need to create is we need to have that 50 feet of frontage along 23rd Street. Even when this building was zoned historic, the west 25 feet of this lot is parking lot. Now that has no bearing, it was never a parking lot back when Dabney or Horne were there so, it's kind of a blanket situation. I believe this commission

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more accurately defines the area to be zoned historic now when they are dealing with new cases to the actual historic features and if you have an out building or something that was added in 2000 or 1950, well let's make it [inaudible] about 1970, you probably wouldn't zone that historic.

COMMISSIONER LIMBACHER: Well, again, I beg to differ. We often zone the entirety of a site so that we have review authority, under the Certificate of Appropriateness review process, for what happens on the site to ensure that new construction is compatible.

MIKE MCHONE: Right.

COMMISSIONER ROSATO: As this is shown here, it calls out a 5 foot setback and once a house is moved on this side, but it doesn't call out what the setbacks will be on all of the other sides; on L1, L4, and L3.

MIKE MCHONE: Yes, I believe that was in your packet at one point in time.

COMMISSIONER LIMBACHER: I think that was our question before.

MIKE MCHONE: Yeah, that's in that...

COMMISSIONER LIMBACHER: But this just shows existing. There is another drawing which we don't have.

MIKE MCHONE: Yeah, I'm sorry, I don't have the full power point because where in this location, the power point had that in it.

STEVE SADOWSKY: Well, the full power point...

COMMISSIONER LIMBACHER: I think this is the full power point right here.

STEVE SADOWSKY: Yeah.

MIKE MCHONE: The full power point? Well, it should show that there was a 20...I believe it's a 20... the distance from the front bay to the curb line...

COMMISSIONER ROSATO: I'm talking about the property line.

MIKE MCHONE: Oh, the property line is about 5 feet, John.

COMMISSIONER ROSATO: On all sides?

MIKE MCHONE: Yes.

COMMISSIONER LIMBACHER: And what does this drawing show?

MIKE MCHONE: That drawing is the zoning drawing, I believe.

COMMISSIONER LIMBACHER: So this shows your proposed setback?

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MIKE MCHONE: 50 feet... yes, 50 feet on 23rd Street and the 147 feet, I believe, on Nueces Street that would be the building site. 148 is it? Yeah.

COMMISSIONER LIMBACHER: This is the proposed...

MIKE MCHONE: Location

COMMISSIONER LIMBACHER: That's the proposed new location.

COMMISSIONER ROSATO: So that would be the same as this?

MIKE MCHONE: Yes, it's supposed to be the same as that.

COMMISSIONER ROSATO: So, yeah, that shows 5 feet here.

MIKE MCHONE: Yeah. It's about 5 feet in all locations. Maybe a little more on 23rd, maybe 7 because of the stairs.

COMMISSIONER LIMBACHER: Other questions for Mr. McHone? If there are no questions, we'll hear from our next speaker. Is there anyone else who would like to speak in support?

SPEAKER UNKNOWN: I am just here to support Mike. I've given my speech a few times.

COMMISSIONER LIMBACHER: Is there anyone else who would like to speak in support of the relocation? Then we'll hear from anyone who might be here to speak in opposition, and there are 3 others here. I don't know whether any of you wish to speak, but if you do, whoever goes first will have up to 5 minutes and whoever goes after that will have up to 3 minutes.

LIN TEAM: Good afternoon Commissioners my name is Lin Team, I am here on behalf of Preservation Austin. I see you have our letter in front of you, and you've seen it before. The complexities of this case are concerning in several ways, but our action, the action of our board is that you keep the building where it is and protect it, continue to protect it with its landmark status, following the Secretary of Interior's standards for that sort of thing. One of the things we want to stress is this is an important case that will influence, that will undoubtedly going to have influence how other historic properties are handled in the University Neighborhood Overlay district. We've lost a number of important structures that were not landmarked, and that was inevitable I suppose with the redevelopment of that area, but we feel the Dabney-Horne house has significant history, it has every possible protection, legal protection, that people think they can put on a property. Unfortunately, the wording is interpreted as being vague. I am not a lawyer, and I'll leave that interpretation to the lawyers. But I was also a member of the CANPAC Plan Team, and in our CANPAC Plan we emphasized when we gave this enormous entitlement to the properties in West Campus at the same time we wanted to balance the protection of historically significant structures they have been threatened they have been pushed they have been pulled and other places we have worked on have not ended well because it's really difficult to do the legal protections as tightly as we need to do to prevent pressures from seeping around them and undermining them. We...Preservation Austin is not opposed to growth, we're not opposed to density, we're not opposed to student housing, but we do

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believe the site (papers shuffling) and its very important to maintain it in that way, also in part because of the contextual situation I think someone else is going to speak to in relation to other historic properties in the immediate vicinity. I think that's all I'll say unless anyone has any questions.

COMMISSIONER LIMBACHER: Questions for Ms. Team? Is there anyone else who would like to speak in opposition?

SARAH CROCKER: Good afternoon, my name is Sarah Crocker and I am here on behalf of Catherine Kerry who owns the Gerhard – Schoch House right across the street from this particular property. This is pretty straightforward; this whole process could have been avoided. The applicant could have avoided any kind of delays if they had just followed the order of processes set out in the code. It's very much there basically says you are supposed to follow a certain order of process. When you have...I have never, ever, in the 25 years that I have been doing this, have been able to circumvent a restrictive covenant, council imposed restrictive covenant by going in and trying to get a bunch of little approvals that are in direct opposition to that. I guess you can. Mr. McHone filed that restrictive covenant on November 18th and it's going to be coming forward. The reason they want to move this house and take the additions off is it affects the amount of square footage they can get from that building. You asked about setbacks, there are no rules in the UNO overlay. They don't have any. The only setback that is required in the entirely over lay is for historic properties, and this entire lot is zoned historic, not just the house, but the whole lot. There's a question then that comes into my mind is they're planning on building a building that is going to come onto and take up and eat up part of a lot that is zoned historic, so that will all have to be amended. So the first order of process in this is would be the restrictive covenant the amendment, he's not filing for an amendment to the restrictive covenant he's filing to terminate it. Doesn't want to change it, is requesting the termination of the restrictive covenant. So I'm really confused why anybody would think removing 2 wings to the building that weren't there originally, but were put on around 1909...that's part of the story of this house. The whole house, there was no objection raised by staff, or anybody else to zoning that portion of the house that is original, it was all zoned historic including the entire lot. And just because those additions were added later that's not the only property in the city that's zoned historic that has landmark status that has an addition that was put on it after it was built. It certainly isn't one and I don't think just because they want to take it off...the reason they want to take it off is if they can get this thing down to the size of a postage stamp, the bigger their building is. That's what this is all about, and they want you to go ahead and approve this today, so they can kind of waive this around in front of council and the planning commission and say see we've already gotten landmark approval. That's a pretty slick move, but the bottom line is you don't have all your information. They could have provided it to you they could have come in and said well we're going to have to set back and we're going to have to do this and this is why we need to do it because this project can't be built unless we have this house reduced to this size. And that's the truth. I can't stress to you enough I think it's important for the commission to deny this permit today, he can always re-file it and he can bring forth the correct...give you the whole package, so that you have all of the information to make a decision about a very important structure. This is the first case in the Uno area that has a landmark structure attached to it. There's not that many in this particular corridor, so whatever happens here is going to impact everything else that comes down the line. We don't have that many structures of this type in this particular area. The council recognized...everybody recognized when they gave them these privileges that we were still going to do everything we could to preserve those pieces that

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were in the neighborhood, and that's why that provision was put in to this section of the overlay was to protect these properties. If it's okay to just come in and we'll just move it and whack off certain pieces of it, what you're doing is anybody else down the line is going to say okay before we are start going to design this building what we need to do is shrink this thing down and cut off anything that wasn't original so we can make it small as a postage stamp so we can build around it. This is important if they're behind schedule or they don't meet their deadlines, they could have avoided all of that. They started filing applications last February. They've been doing this for a year. They could have avoided all of that by just coming in and filing for the restrictive covenant. If they want to terminate it, fine. File for the termination, file for the Certificate of Appropriateness, do everything at one time because I think the council needs your feedback for that restrictive covenant amendment/termination however it goes forward. I think it's important for them to have part of your feedback. That's what you're here for, you are the HLC, and they going to want to hear what you have to say (GAVEL) so let's do it all together.

STEVE SADOWSKY: That's 3 minutes.

SARA CROCKER: Please just deny this application today, they can always re-file and let it come forward with the Restrictive Covenant let's follow the order of process set forth in the code. Thank you.

COMMISSIONER LIMBACHER: Questions for Ms. Crocker? Thank you...is there anyone else who would like to speak in opposition? Then by our order of business Mr. McHone you will have up to 3 minutes to offer clarifying comments to address things that have been said.

MIKE MCHONE: Thank you, this is an important case for how we proceed with the city development. This project needs to be built for the owner. We realize as buyers that we will we be back to you as soon as we comply with staff recommendation. The buyer will not go forward with the necessary expenses of having all of the research done to determine the minimum distance that the house can be moved if it needs to be moved at all once the 1991 additions are removed or 1920 when the bay windows were put on there. But we do know what it was in 1900 by our research that's been submitted to you, and that's what we would like to restore it to. It is true that we want to minimize the impact of the building, we want to preserve it, we feel this will be the retail component of a Combined University Neighborhood Overlay project, but we have followed what we thought were the processes necessary. Historic zoning-dealing with the historic zoning case. restrictive covenant - dealing with the zoning that happened in 1991. All of those are going to be moving forward simultaneously. This commission can say is it a good idea to restore buildings to their original? Is it important that it has a prominence, or shall we leave it in a situation where it is deteriorating with all these 1990 additions sitting on it and a 25-foot parking lot? Or do we allow it and get restored the landscape and look beautiful and we'll come back to you with what it will look like before we ever do anything to clarify what needs to be done. So we've realized this is a collaborative ongoing process but we need to get to the first step so the person who has the funds and ability to restore it can do that. So we know what our building blueprints need to be from the development end and whatever that's what we need to work from. So anything you can do to help us move along, help save the Co-Op as entity we would love to have you help us do that. And we look at this as an ongoing process.

CLH
COMMISSIONER LIMBACHER: Thank you. Questions for Mr. McHone? Did I understand you to say that you intend to proceed in a methodical way; first with the removal with non- or certain designated additions?

MIKE MCHONE: Once we get...My understanding of the way... staff has explained to me their support would be and motion if you follow staff recommendation is that once we go to city council and planning commission and get everything done the property will close and then buyer will then have the consultants go in and do an extensive evaluation of what should be removed and what can be removed, and figure out exactly how much space and how it needs to be moved maybe its 12 feet maybe it's only 8 feet the idea being get that 50 feet of frontage we can build on 23rd street because that's minimum distance we can make the new building work. It would be in compliance with the requirements as we know of the buildings adjacent to historic buildings. And then we would go forward with other Certificate of Appropriateness back to you to go with those plans. Modify them as to your approval. And move forward with actually doing the relocation but that would occur after all of these other actions occur.

COMMISSIONER LIMBACHER: So the short answer is yes?

MIKE MCHONE: Yes, thank you.

COMMISSIONER LIMBACHER. Thank you. Okay commissioners I think we have heard from everyone and we need a motion to close the public hearing. A motion by Commissioner Meyers a second by Commissioner Rosado to close the public hearing. All those in favor say Aye (AYEs) opposed... the motion carries. Is there a motion on the case?

COMMISSIONER ROSATO: I have a question, for discussion. The issue of removing the things that were talked about before...do we have any issue with that amount? I have seen us allow appendages to buildings that weren't original to the absolute original building to be removed.

COMMISSIONER MYERS: Usually if they're 50 years old or older those appendages remain, they have taken on historic significance of their own.

COMMISSIONER ROSATO: Do we know which ones of these are...that fall within what you are talking about?

COMMISSIONER MYERS: I think Mr. McHone has said that once they have their approvals in place they will hire consultants or have consultants which ones those are and I would hope that if that does become the case they would come back to us or staff for verification.

COMMISSIONER LIMBACHER: So this page in the presentation begins to illustrate it and shows that this and this and that seem to be later additions from Sanborn map, and also I recall Ms. Carter and others in her office giving testimony about preliminary investigations they had done. Now what we don't really know is what exactly happens back here. Because you can see there was something...What is the vintage of this Sanborn map, do you recall?

STEVE SADOWSKY: I don't.

Cle/18

MIKE MCHONE: Circa 1900...yeah that shows the contrast

COMMISSIONER ROSATO: So there was something here...

MIKE MCHONE: Yeah, different from what that shows

COMMISSIONER LIMBACHER: So we have some preliminary indications in our previous discussions in general I think those commissioners who have participated in committee meeting had indicated a general level of comfort with removing additions that occurred after a certain date. Now Ms. Crocker talked about just now that the entire accumulated history has significance and that we should proceed with caution as did commissioner Meyers.

COMMISSIONER MYERS: That's certainly and I think Commissioner Wolfenden can attest to this that that's something that comes up in National Register cases all the time. That generally it's frowned on to remove historic period additions or changes.

COMMISSIONER LIMBACHER: But our understanding is and I'm speaking from memory, some of these are not 50 years old, but basically we have been handed kind of a bag of worms.

COMMISSIONER MYERS: (Laughing) we're trying to sort it out

COMMISSIONER LIMBACHER: We don't really have entirely useful information.

COMMISSIONER WOLFENDEN-GUIDRY: What is the existing staff recommendation for the proposal?

COMMISSIONER LIMBACHER: It says 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.

COMMISSIONER WOLFENDEN-GUIDRY: And the overall thing we're approving today is the permit to do so?

COMMISSIONER LIMBACHER: Well we have before us a relocation permit application we do not have a partial demolition permit application, but my understanding from previous cases is that demolition and relocation well no, they can be swirled together somehow.

STEVE SADOWSKY: Well, not this one, it will require a new application.

COMMISSIONER LIMBACHER: But the applicant's agent just gave testimony that their intention was to proceed in accord with this. To me and I believe I have said this from the earliest meeting that the prudent approach is to begin the process of peeling back the layers and make clear exactly what we have in terms of the building and what that recommends in terms of any possible relocation if relocation is even needed to achieve development objectives, is a prudent approach. And that's consistent with staff recommendation and consistent with the applicant's testimony. So, what we need is a motion.

C6/19

COMMISSIONER MYERS: I move that we deny the applicant's request to move the property at this time. I just like to justify this a little bit. This is a bona fide Austin historic landmark. We generally follow National Register guidelines, and there are 7 aspects of integrity and I think by moving this property it affects the location, the setting, the feeling, and the association of this building, and I think what we have had proposed to us the past several meetings and today will render this property as having a lack of integrity in those areas.

COMMISSIONER LIMBACHER: Is there a second?

COMMISSIONER WOLFENDEN-GUIDRY: I'll second.

COMMISSIONER ROSATO: I'd like to discuss. I think I would feel a lot more comfortable and I'm fine with your motion, but they need to deal with the restrictive covenant and come back to us. That's the crux of it. That affects even with your objections to it. If the city council decides they're going to remove the restrictive covenant then it's a different story of what they're asking for legally.

COMMISSIONER LIMBACHER: So you're making a friendly amendment?

JOHN ROSATO: I don't know whether it's an amendment, it could be that the applicant can consider coming back to us after the restrictive covenant is decided. I don't know if this needs to be an amendment... it's peeling back the onion like you said.

COMMISSIONER WOLFENDEN-GUIDRY: It's just so unclear, and as we are not lawyers to interpret this beyond what is obvious. Making the property lot smaller and moving the house isn't obvious in the restrictive covenant. So I'm with John on his...I would make a friendly amendment.

COMMISSIONER LIMBACHER: Would the maker of the motion accept that?

COMMISSIONER MYERS: I'll accept that.

COMMISSIONER LIMBACHER: The motion is to deny the relocation permit application and do we want to further advise the applicant to return with specific requests for demolishing non-historic parts of the building and resolution of the restrictive covenant. That was part of your talk. Further discussion? Mr. Sadowsky did you have any comment? In other cases you have said a demolition permit is as good as a relocation permit, I'm not sure you said we can go the other way relocation is as good as demolition but...

STEVE SADOWSKY: Right, but in this case that's usually for the entire structure. Because what you're making a decision on at that point is whether the building can be removed from its site, whether that happens through demolition, or that happens through relocation is not really an issue, but here the application is for relocation and then we'll be having a situation of the relocation permit application being denied if you all vote that way and then the application of partial demolition coming as a COA again, so it is two different aspects of the same case rather than the other way around.

COMMISSIONER ROSATO: And they can at that time come back and ask about relocation?

C6/20

STEVE SADOWSKY: Sure

COMMISSIONER LIMBACHER: They don't have to wait a certain number of months?

STEVE SADOWSKY: Not on a COA.

LAURIE LIMBACHER: And Ms. Sanchez is our attorney right, so you're the new Chad (laughter)

ATTORNEY, MARIA SANCHEZ: Yes.

COMMISSIONER LIMBACHER: Did you have any comment or concern about the action the commission is contemplating?

MARIA SANCHEZ: No.

COMMISSIONER LIMBACHER: Well thank you. Further discussion? I'll just offer a comment and that is I have found the case very confusing from the beginning I thought the testimony that was given about a more normal and methodical process, that was in my opinion...I have been seeking information to make clear what the request is what the action is what the outcome is, I regret that we have spent time in this kind of state of murkiness and things not being entirely clear, but it feels to me that this is the right action, this is the only response we can take given what we have before. If there is no further discussion we will call to question all those in favor say Aye (many Ayes) opposed...(none) then the motion carries thank you.

TRANSCRIPTOR'S NOTE: The motion carried 5-0.

STEVE SADOWSKY: Thank you. Is there a motion to adjourn?

COMMISSIONER LIMBACHER: Oh right, is there a motion to adjourn?

COMMISSIONER GALINDO: So moved

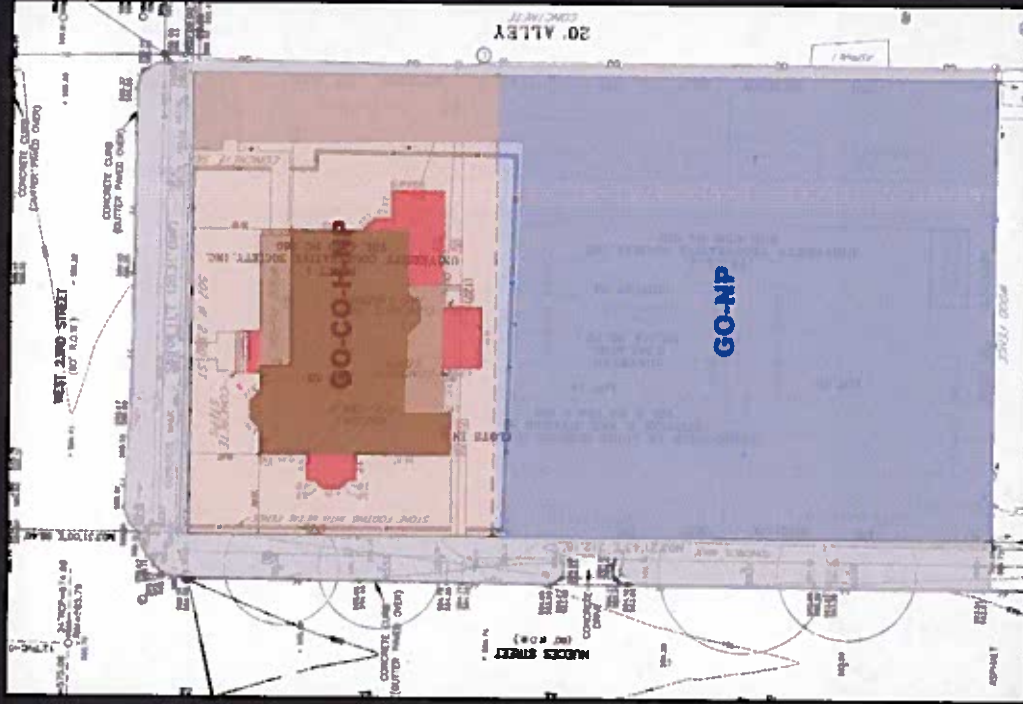
COMMISSIONER WOLFENDEN-GUIDRY: Second

COMMISSIONER LIMBACHER: Motion by Commissioner Galindo a second by Commissioner Wolf enden to adjourn. All those in favor say Aye (many Ayes) opposed...the motion carries.

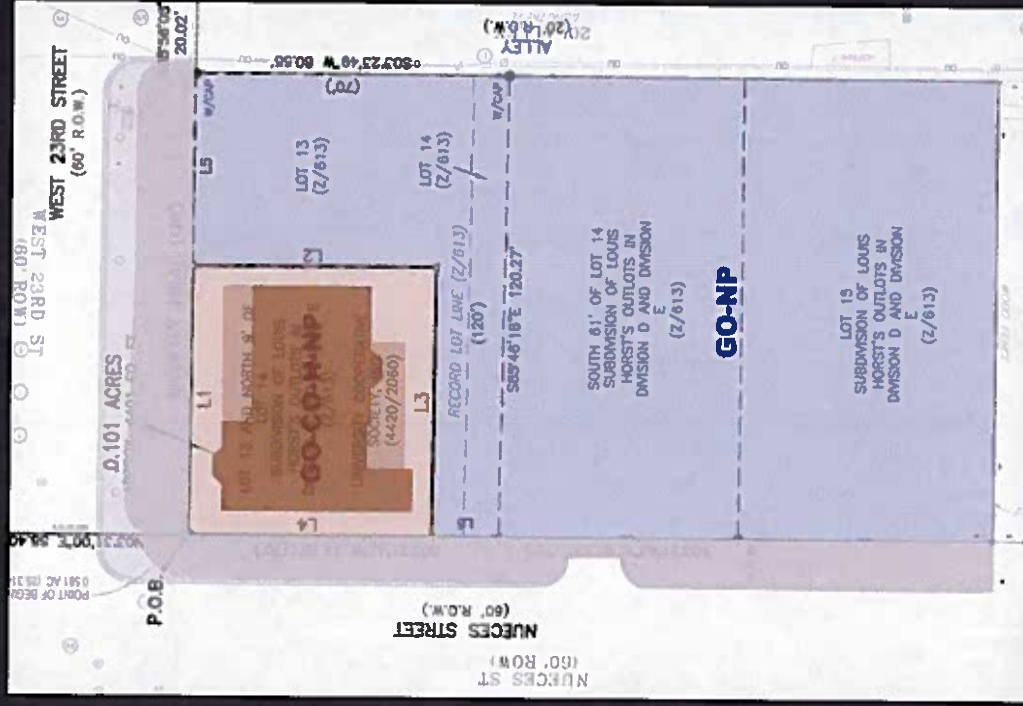
Cle/21



Item 1: Zoning



HISTORICALLY ZONED SITE



PROPOSED W/ CURRENT CURB

06/22

Item 2: Period of Significance 1900



The University of Texas at Austin campus 1900

C6/23

Item 3: Relocation within Site



C6/24

Item 3: Relocation within Site



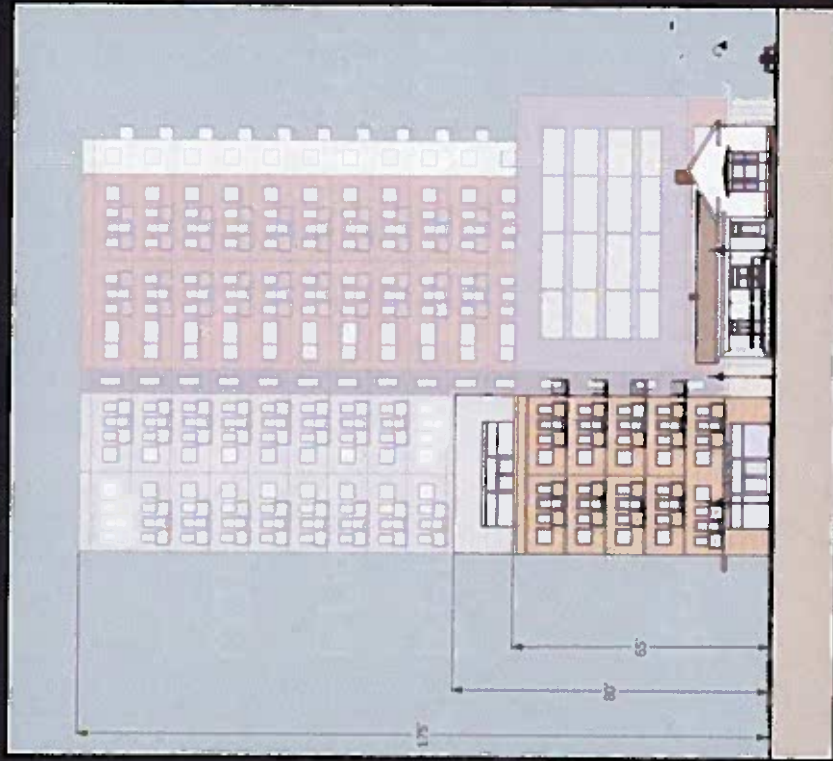
23RD STREET



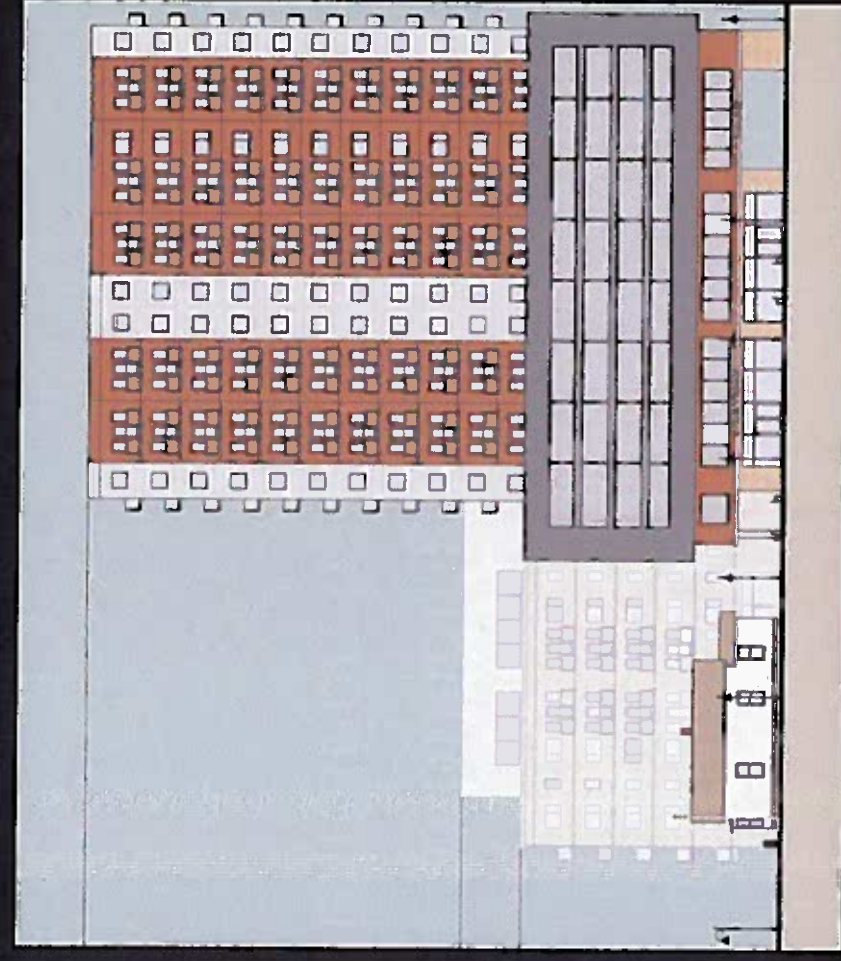
NUECES

C6/25

c61216



23rd STREET ELEVATION



NUECES STREET ELEVATION

C6/ B.1 1
27

**HISTORIC LANDMARK COMMISSION
OCTOBER 28, 2013
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
C14H-1989-0010
Dabney-Horne House
507 W. 23rd Street**

PROPOSAL

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

PROJECT SPECIFICATIONS

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

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

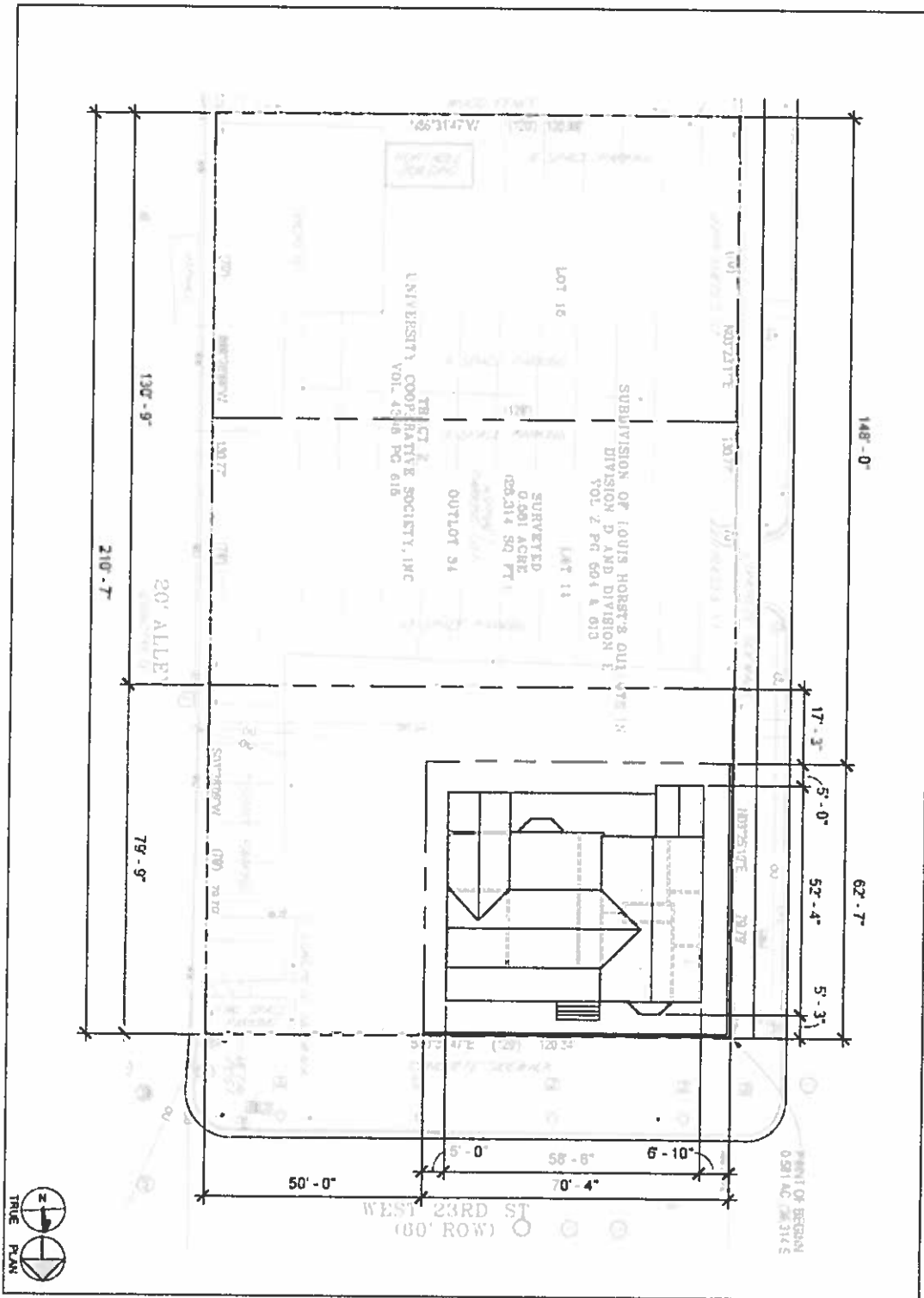
Keep the house exactly where it is and investigate removal of non-historic additions and modifications to restore it to its historic footprint and appearance.

STAFF RECOMMENDATION

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.

CL/28



<p>CARTER • DESIGN ASSOCIATES 817 WEST ELEVENTH STREET AUSTIN TEXAS 78701 (512) 476-1812 ARCHITECTURE PLANNING PRESERVATION</p>	<p>DABNEY HORNE HOUSE 507 W 23RD STREET AUSTIN TEXAS 78705</p>	<p>REVISED HISTORIC SITE 16 SEPTEMBER 2013 1" = 20'-0"</p>
---	---	--

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.

C6
29

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.

Cy
30



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.

C6/3

B.1 - 5



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

C/32

HISTORIC ZONING CHANGE REVIEW SHEET

CASE: C14h-89-0010H.L.C. DATE: February 24, 1992P.C. DATE: March 3, 1992NAME OF SITE: Dabney-Horne House AREA: 0.217 acresAPPLICANT: University Co-Operative Society AGENT: N/ANEIGHBORHOOD ORGANIZATION: WEST UNIVERSITY NEIGHBORHOOD ASSOCIATION
SAVE UNIVERSITY NEIGHBORHOODSADDRESS OF PROPOSED ZONING CHANGE: 507 West 23rd StreetLOCAL SURVEY OR RECOGNITION: Comprehensive Survey of Cultural ResourcesNATIONAL REGISTER DISTRICT: No NATIONAL LANDMARK: NoRECORDED TEXAS LANDMARK: No CAPITOL VIEW: N/AZONING FROM: GO-COTO: GO-CO-HSUMMARY 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, 1992ACTION: 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-FCASE MANAGER: Antonio GonzalezPHONE: 499-2243

C4/3

STAFF RECOMMENDATION (February 18, 1992)

C14H-89-0010

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

STRUCTURE BACKGROUNDDATE BUILT: c. 1883ARCHITECT: 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.

C4
34

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

**SURVEY FORM FOR HISTORIC LANDMARK INVENTORY
CITY OF AUSTIN, TEXAS**

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

DEEDS RECORDS: Volume 4420 Page 2060 & 2061
 Volume Page ZONING
 TAX ABATEMENT: (Appraisals)
 City AISD ACC County Total From: MF-4, Multi-Family Res.
 1,601.85 416.48
 \$791.44 70.93 \$2,884.70 To: MF-4-H, Multi-Family Res.-
 Historic

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

CONDITION:
 Exterior: Poor Interior: Unknown

PRESENT OWNERS	ADDRESS	TELEPHONE NO.
University Cooperative Society	P. O. Box 7520, UT Station (12)	

OTHER INTERESTED PARTIES:	ADDRESS	TELEPHONE NO.
NAMES		
West University Neighborhood Association	1106 West 22 1/2 St (05)	
Save University Neighborhoods	P. O. Box 8142 (13)	

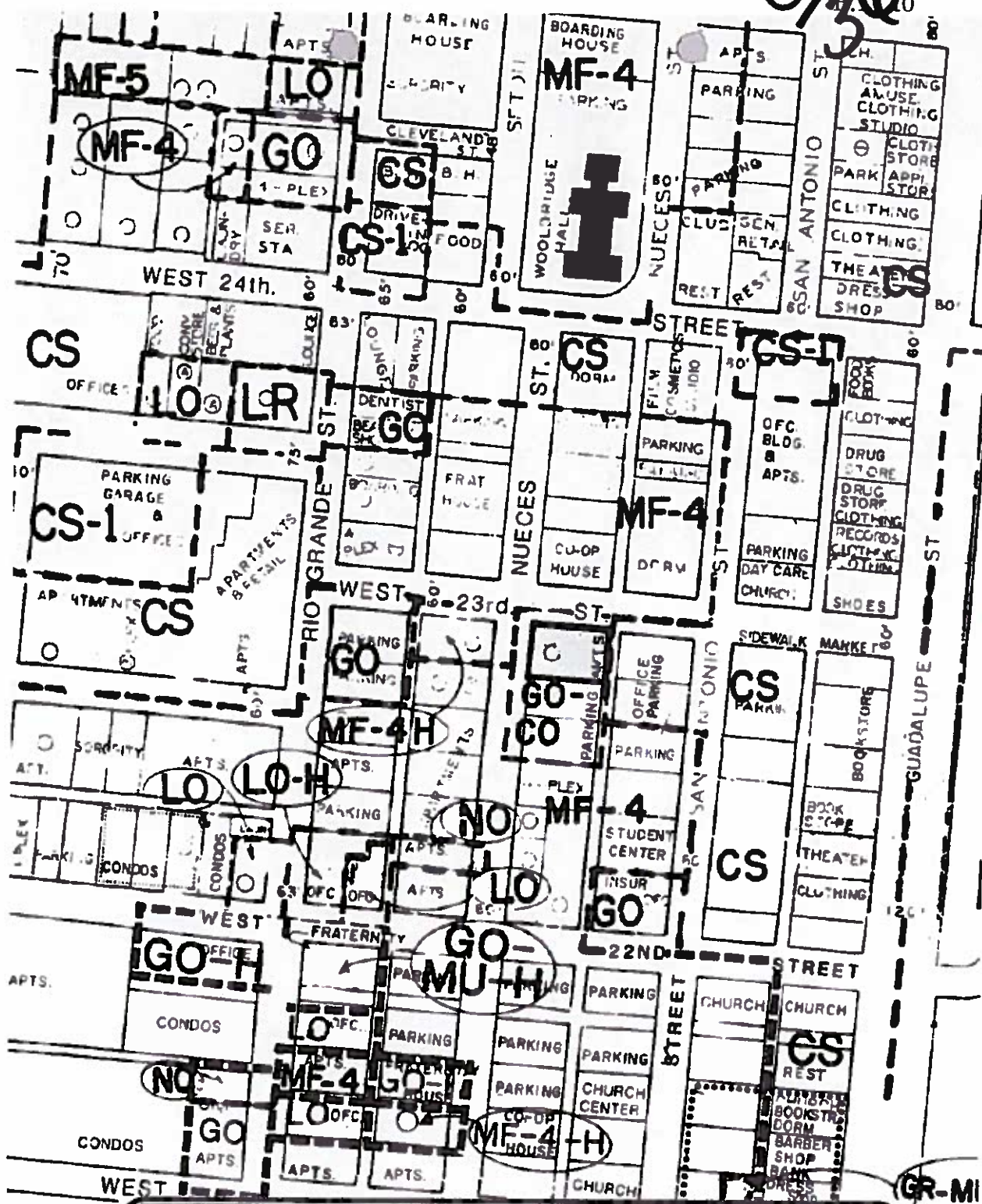
DATE BUILT: c.1883 DATES & EXTENT OF ALTERATIONS/ADDITIONS: Dates of additions unknown.


ARCHITECT: Unknown * BUILDER: Unknown
 ORIGINAL OWNER: Robert L. Dabney
 ARCHITECTURAL STYLE OR PERIOD WITH DESCRIPTION OF ANY INNOVATIVE DESIGN, FEATURES, DETAILS, MATERIALS OR CRAFTSMANSHIP: Bay window and distinctive wood trim.

NATIONAL REGISTER? No NATIONAL LANDMARK? No RECORDED TEXAS LANDMARK? No
 LOCAL SURVEYS OR RECOGNITION? Comprehensive Survey of Cultural Resources

* Allegedly designed by Robert L. Dabney.

C6/360



	PENDING CASE	SUBJECT TRACT		GRID(s):
	ZONING LINE	----	SUBJECT ACREAGE	217	J
	Case Manager: Antonio Gonzalez		Address: 507 West 23rd. Street		24
	CYCLE: 02/92 INTLS: J. R.		CASE No: C14H-89-0010		

DORM MALL

Historic Landmark Commission MINUTES - March 22, 1989

C4/1/3

3. C14h-89-010

Dabney-Horne House
507 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 McBone - Save University Neighborhoods

Both persons spoke to urge the Commission to zone the structure historic, and Mr. McBone 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 aquired 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.

July 10, 2013

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

C6/38

Re: C14H-1989-0010, Dabney-Horne House, 507 W. 23rd 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

C6/31

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;

C6/HO

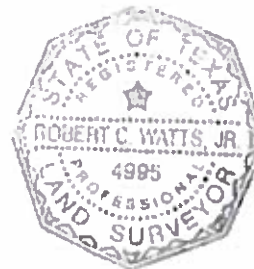
Page 2 of 2

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.

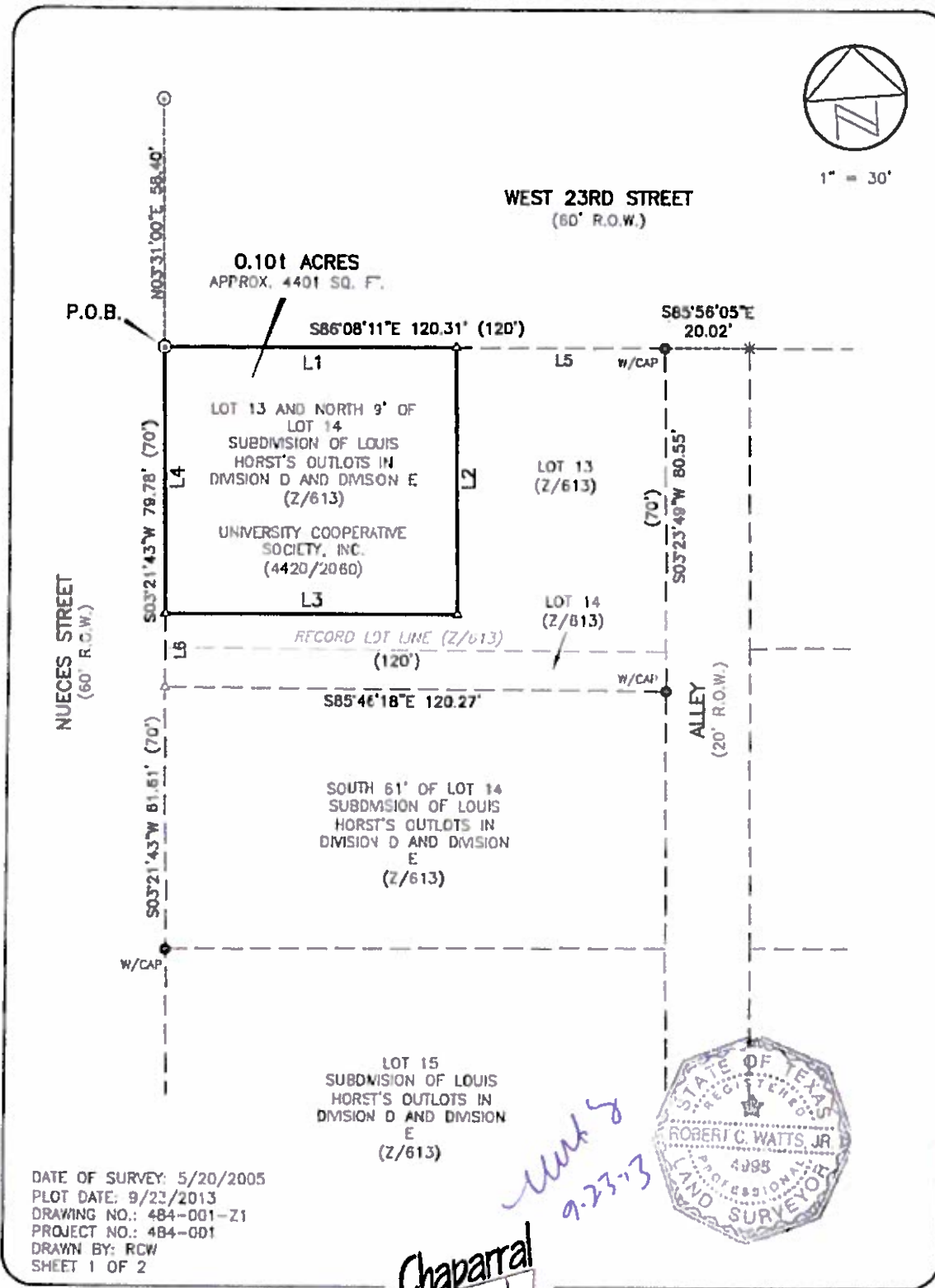
Surveyed on the ground on May 20, 2005. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA Control Network. Attachments: 484-001-Z1.

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

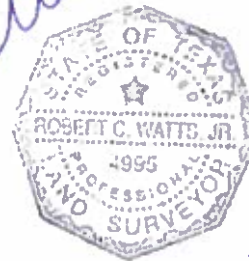


SKETCH TO ACCOMPANY A DESCRIPTION OF 0.101 ACRES (APPROXIMATELY 4401 SQ. FT.) BEING A PORTION OF LOT 13, SUBDIVISION OF LOUIS HORST'S OUTLOTS IN DIVISION D AND DIVISION E, A SUBDIVISION IN THE CITY OF AUSTIN, TEXAS, OF RECORD IN BOOK Z, PAGE 613 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 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.

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



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



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

From: ch [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. 23rd Street; C14H-1989-0010

Dear Mr. Sadowsky;

CBHIV LLC has contracted to purchase from the University Cooperative Society the property at 507 W. 23rd, 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,



Cliff Harbour, managing partner



Professional Land Surveying, Inc.
Surveying and Mapping

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

3500 McCall Lane
Austin, Texas 78744

C6/45

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:

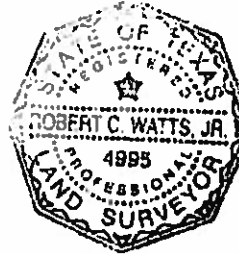
1. South 03°21'43" West, a distance of 62.58 feet to a calculated point;
2. North 86°08'11" West, a distance of 70.33 feet to a calculated point in the east line of Nueces Street, being also the west line of Lot 13, from which a 1/2" rebar with cap found for the southwest corner of Lot 14 of said subdivision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

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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.

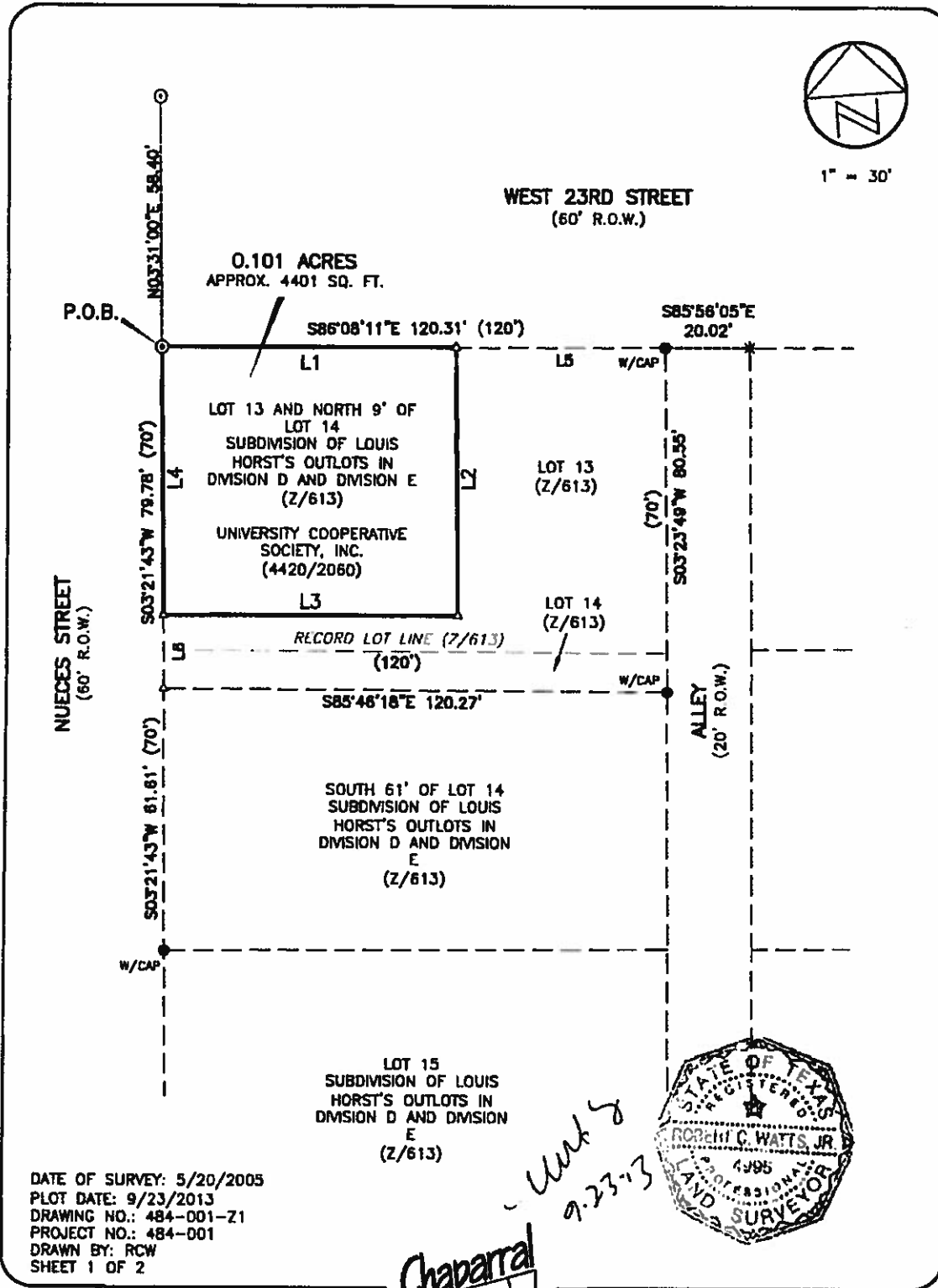
Surveyed on the ground on May 20, 2005. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA Control Network. Attachments: 484-001-Z1.

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

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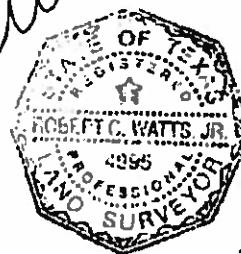


SKETCH TO ACCOMPANY A DESCRIPTION OF 0.101 ACRES (APPROXIMATELY 4401 SQ. FT.) BEING A PORTION OF LOT 13, SUBDIVISION OF LOUIS HORST'S OUTLOTS IN DIVISION D AND DIVISION E, A SUBDIVISION IN THE CITY OF AUSTIN, TEXAS, OF RECORD IN BOOK Z, PAGE 813 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 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



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.

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Hi Maria,

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 18th.

Let me know if you have any questions.

Maria

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