

## 305 W 45<sup>th</sup> St – 2<sup>nd</sup> story addition



The lot size is 1985 Sq Ft and 39' wide, which is under the minimum of 5750 and 50', respectively.

We are requesting a variance for lot size of 1985 Sq Ft and a 39' width

We are building an addition which will add approximately 300 Sq Ft. Any amount over 200 Sq Ft requires another parking space.

We are requesting either of two variances for parking; either increasing this minimum of 200 to 300 Sq Ft or reduce the required parking spaces from 2 to 1

## Site History

***Lot configuration has remained the same since 1938.***

The attached warranty deed shows that this has been a small lot since land development codes came about in 1946

The zoomed-in snapshot from Jun 2 1938 (shown below) describes the same configuration that has been referenced since that date

The West 39-1/2 feet of Lots Nos. 31 and 32, in Block No. 7, in Hyde Park Addition, in the City of Austin, Travis County, Texas, more particularly described on the plat of said addition recorded in Vol. 1, page 67, of the Travis County, Plat Records, and to which reference is here made for description.

University of Texas all liens, rights and equities attaching to and securing payment of the above described note, together with all the right, title, claim and interest in and to the land and premises hereinbefore and in said deed described, and all the rights in, to and under the Extension Agreement hereinbefore mentioned, vested in us in said capacity or in said estate.

Witness our hands, this the second day of June, A.D. 1938.

R. L. Slaughter

G. F. Zimmermann

Independent Executors of the Last  
Will and Testament of Mrs. Mary E.  
Brown, deceased.

THE STATE OF TEXAS, )

COUNTY OF TRAVIS. ) BEFORE ME, the undersigned authority, on this day personally appeared R. L. Slaughter and G. F. Zimmermann, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and in the capacities therein stated.

Given under my hand and seal of office, this the second day of June, A.D. 1938.

Elna Palm

(Notary Seal)

Notary Public within and for Travis County, Texas.

Filed for record 24 June 1938 at 8:00 A.M. Recorded 25 June 1938 at 2:20 P.M.

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STATE OF TEXAS )

COUNTY OF TRAVIS ) KNOW ALL MEN BY THESE PRESENTS: That we, Joe Ming and Gladys Wheless Ming, husband and wife, of Nueces County, State of Texas, for and in consideration of the sum of \$325.00, to us in hand paid by Sadie Wheless Washburn, Mildred Wheless, and Lena Wheless, the receipt of which is hereby acknowledged and confessed, have granted, sold and conveyed, and by these presents do grant, sell, and convey, unto the said Sadie Wheless Washburn, Mildred Wheless, and Lena Wheless, all of Travis County, State of Texas, all that certain tract or parcel of land, lying and situated in Travis County, Texas, described as follows, to-wit:

The West 39-1/2 feet of Lots Nos. 31 and 32, in Block No. 7, in Hyde Park Addition, in the City of Austin, Travis County, Texas, more particularly described on the plat of said addition recorded in Vol. 1, page 67, of the Travis County, Plat Records, and to which reference is here made for description.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Sadie Wheless Washburn, Mildred Wheless and Lena Wheless, their heirs or assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend, all and singular the said premises unto the said Sadie Wheless Washburn, Mildred Wheless, and Lena Wheless, their heirs and assigns, against every person whomsoever, lawfully claiming, or to claim the same, or any part thereof.

Witness our hands, at Corpus Christi, Nueces County, Texas, this 9th day of June, 1938.

Joe Ming

(50¢ U.S. Int. Rev. Stamp Can.)

Gladys Wheless Ming

STATE OF TEXAS )

COUNTY OF NUECES ) BEFORE ME, the undersigned authority, on this day personally appeared Joe Ming and Gladys Wheless Ming, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they

each executed the same for the purposes and consideration therein expressed, and the said Gladys Wheelless Ming, wife of the said Joe Ming having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Gladys Wheelless Ming, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 9th day of June, A.D. 1938.

Beatrice L. Murch

(Notary Seal)

Notary Public, Nueces County, Texas.

Filed for record 24 June 1938 at 8:00 A.M. Recorded 25 June 1938 at 2:25 P.M.

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THE STATE OF TEXAS, )  
COUNTY OF TRAVIS )

WHEREAS, on the 13th day of January, A.D. 1936, Leonel J. Simms and wife, Marguerite Simms, of the County of Travis, State of Texas, did execute, acknowledge and deliver to Paul O. Simms, of the County of Travis, State of Texas, a certain deed of trust on the following described real estate, situate, lying and being in the County of Travis, in said State of Texas, to-wit:

Fifty (50) by one hundred thirty-three (133) feet, part of the North half of Outlot No. Four (4), in Division "Z", in the City of Austin, Travis County, Texas, together with all improvements situated thereon, to secure the prompt payment of one certain promissory note executed by the said Leonel J. Simms and wife, Marguerite Simms, and payable to the order of Paul O. Simms, as follows:

One note for Twenty-four Hundred Ninety-six and 75/100 Dollars (\$2496.75), due and payable in semi-annual installments of Two Hundred and No/100 Dollars (\$200.00), each, on the 13th day of January and on the 13th day of July of each and every year, and bearing interest from date at the rate of seven per cent per annum;

And, whereas, said note with accrued interest thereon has been fully paid to Mrs. S. V. Dooley, a widow, the legal and equitable holder and owner of such note;

Now, therefore, KNOW ALL MEN BY THESE PRESENTS: That I, Mrs. S. V. Dooley, of the County of Travis, State of Texas, in consideration of the premises and of the full and final payment of said note, the receipt of which is hereby acknowledged, have this day, and do by these presents, release, discharge and quit claim unto the said Leonel J. Simms and wife, Marguerite Simms, their heirs or assigns, all the right, title, interest and estate in and to the property above described, which I have or may be entitled to by virtue of said deed of trust (including mechanic's lien) and do hereby declare the same fully released and discharged from any and all liens created by virtue of said note and deed of trust (including mechanic's lien) above mentioned.

Witness my hand at Austin, Texas, this the 9th day of June, A.D. 1938.

Mrs. S. V. Dooley

THE STATE OF TEXAS )

COUNTY OF TRAVIS. ) BEFORE ME, the undersigned authority, on this day personally appeared Mrs. S. V. Dooley, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

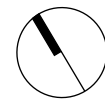
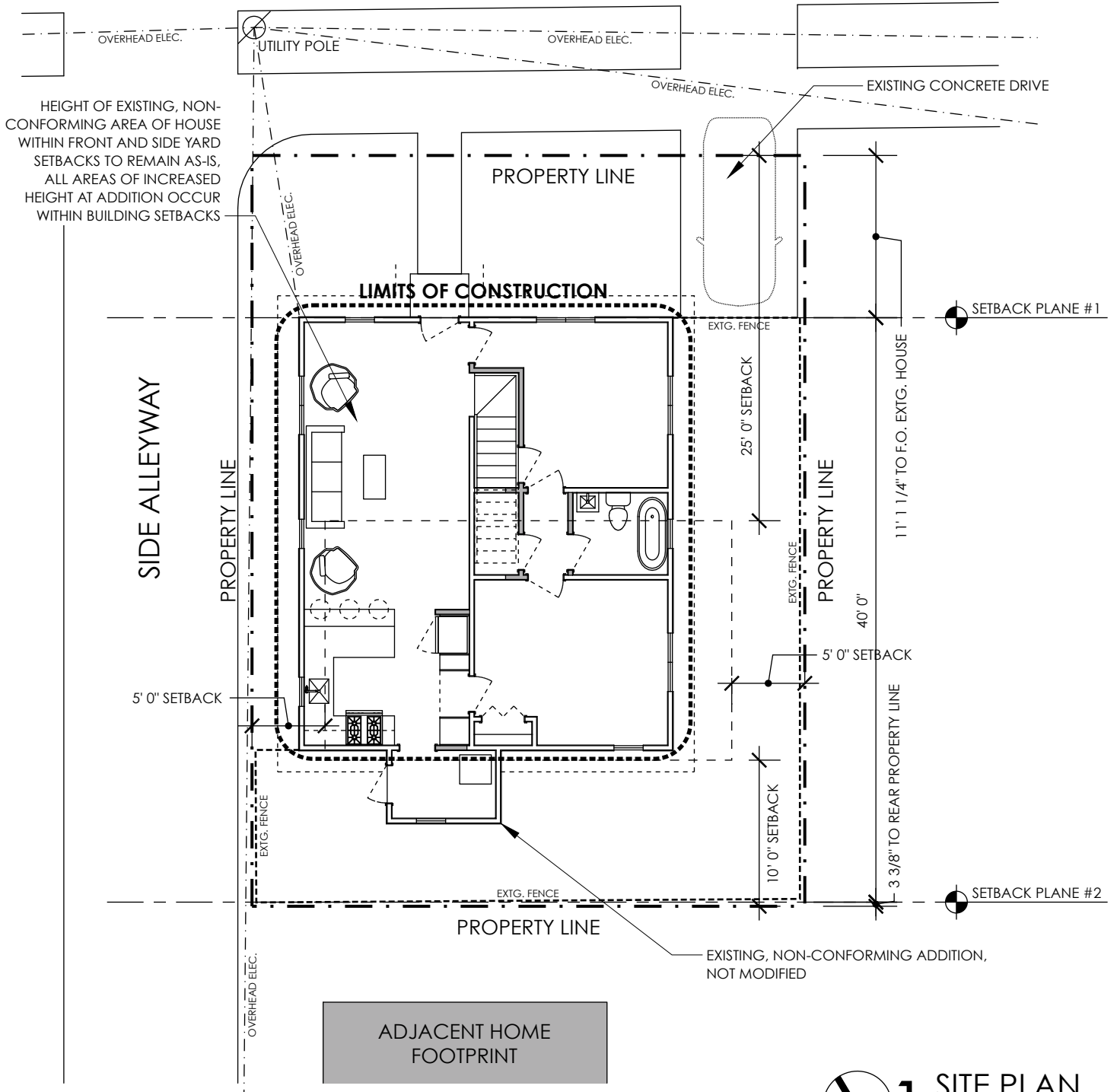
Given under my hand and seal of office at Austin, Texas, this the 9th day of June, A.D. 1938.

Milda Payne

(Notary Seal)

Notary Public, Travis County, Texas.

# W 45TH ST.



**1 SITE PLAN**  
 FULL SIZE: 1" = 10"  
 HALF SIZE: 1" = 20"



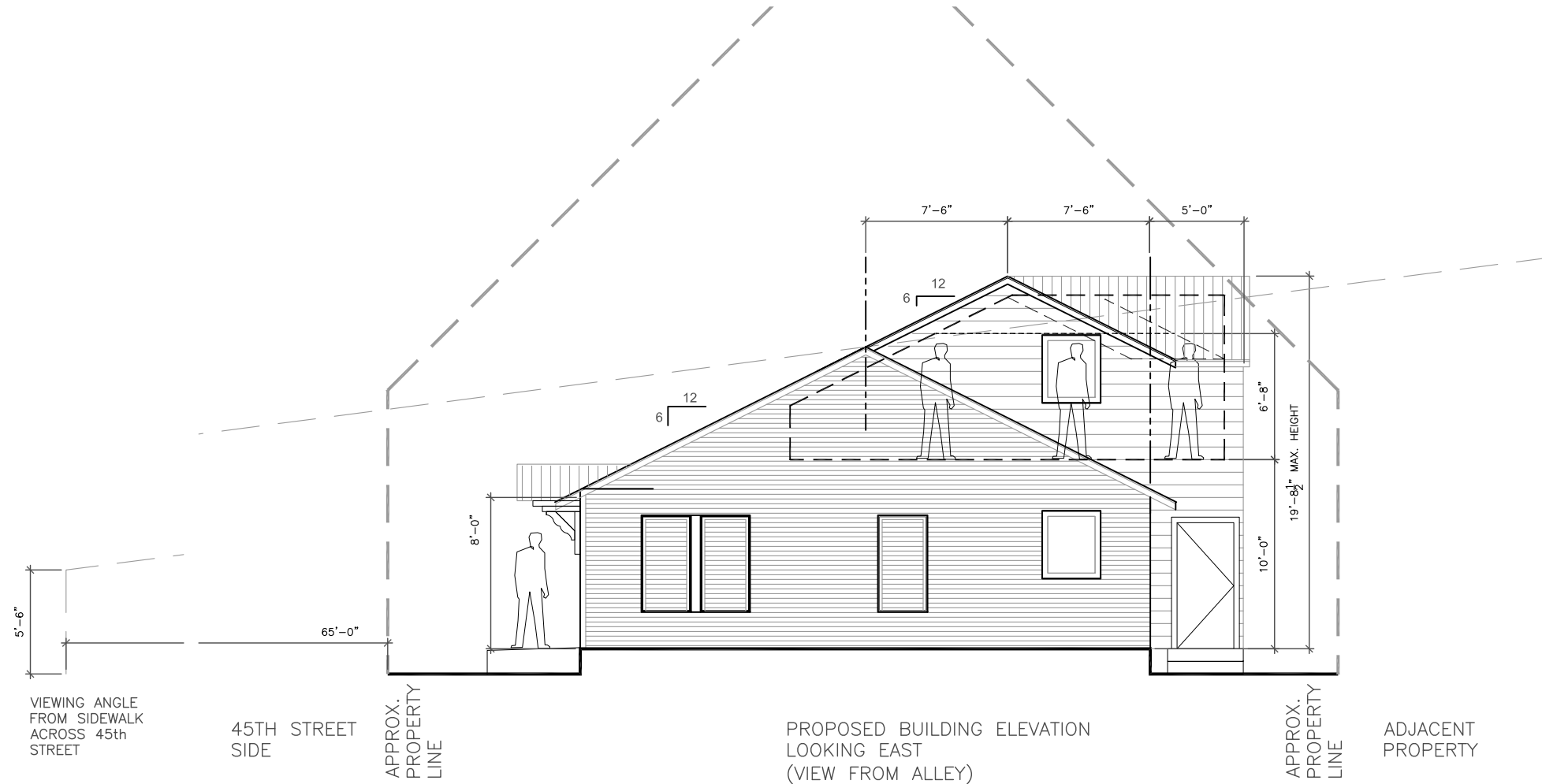
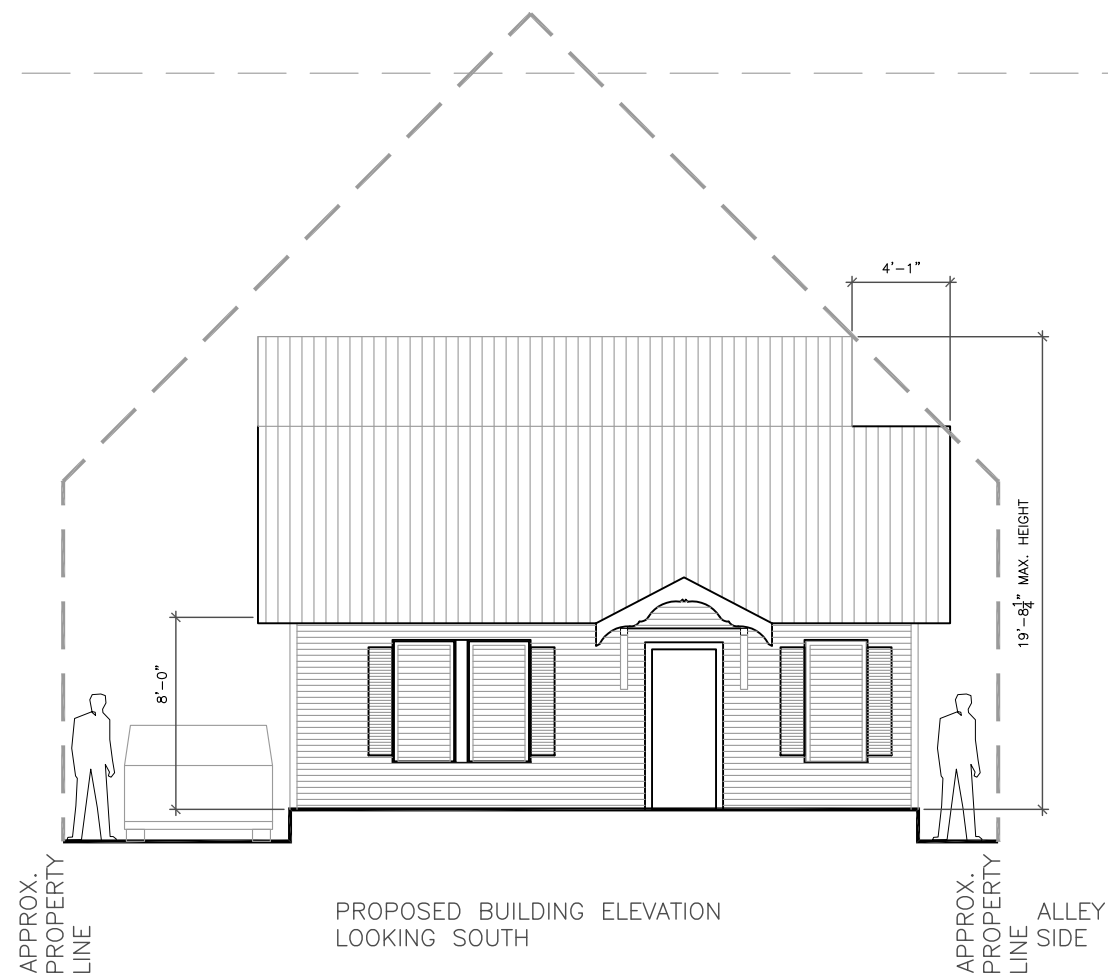
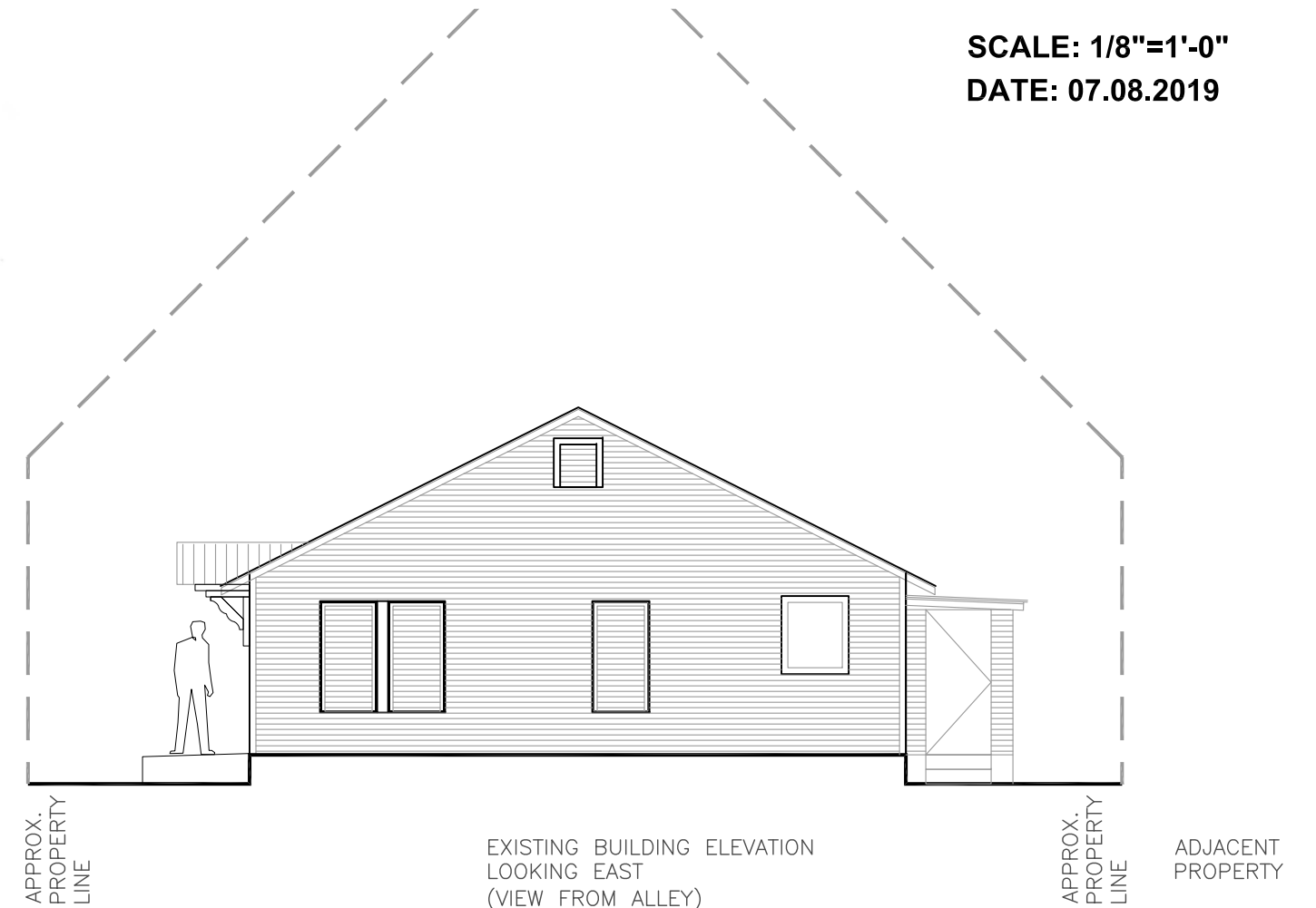
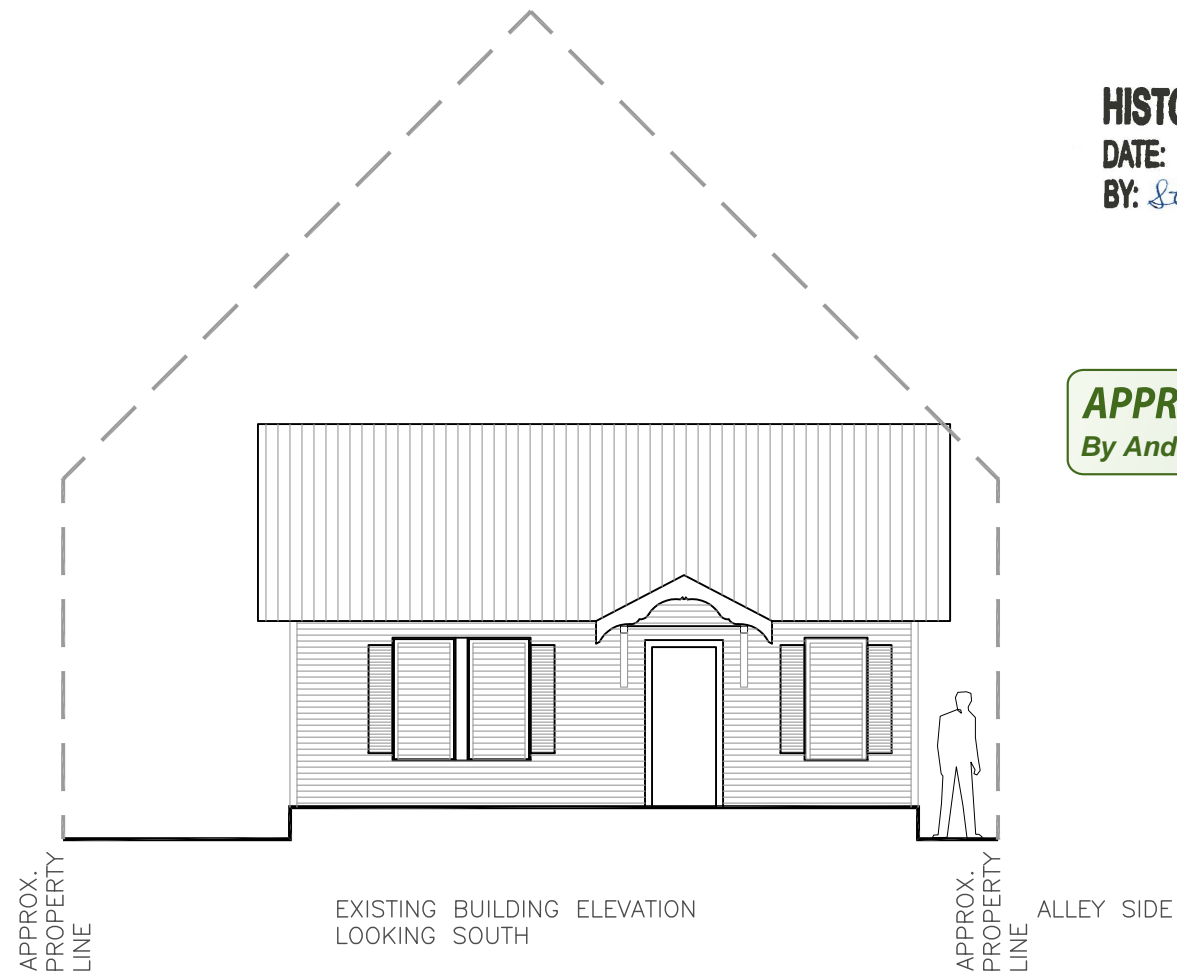
**APPROVED BY**  
**HISTORIC LANDMARK COMMISSION**  
DATE:  
BY: *Steve Sadowsky*  
for HLC Chair

SCALE: 1/8"=1'-0"

DATE: 07.08.2019

**APPROVED**

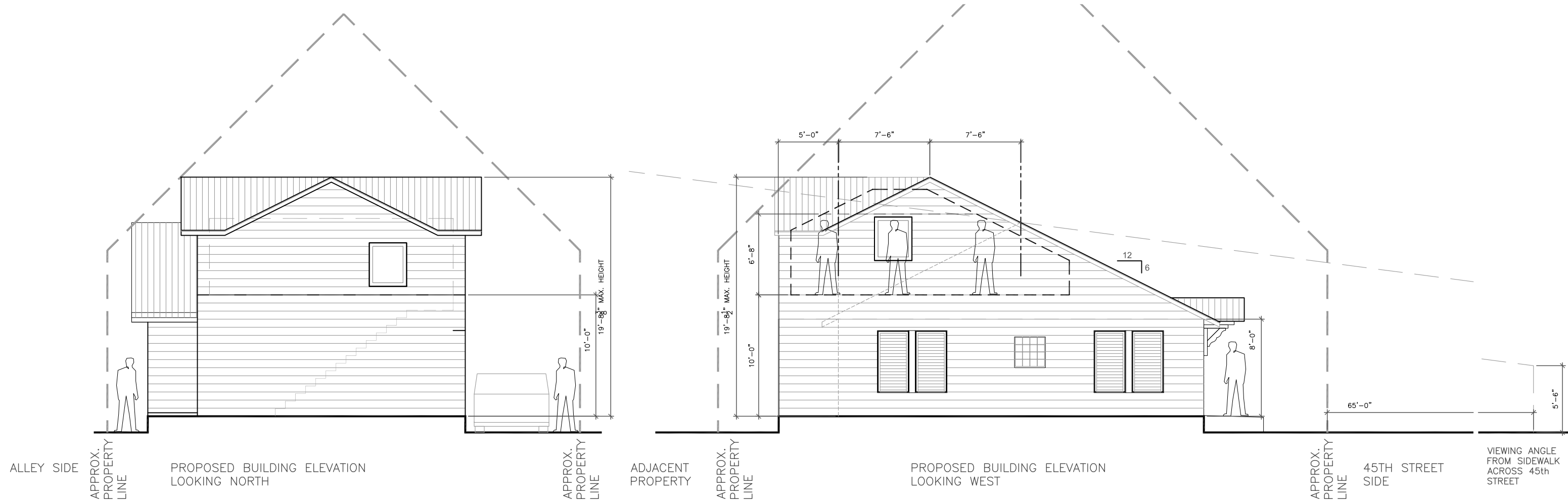
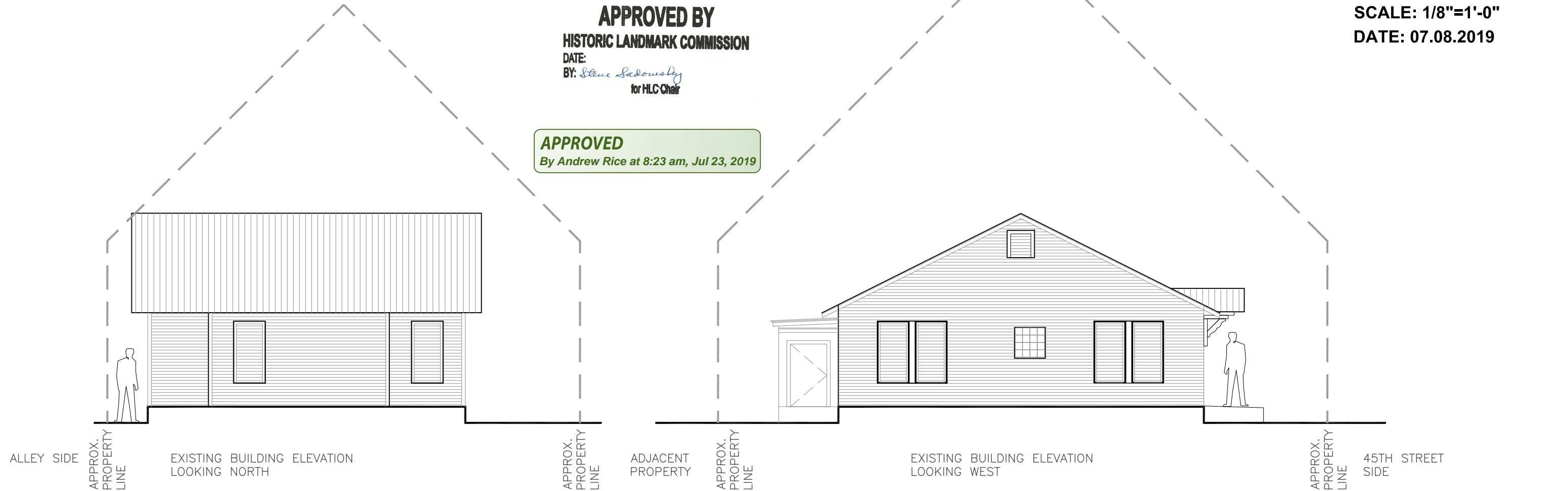
By Andrew Rice at 8:23 am, Jul 23, 2019



**APPROVED BY**  
**HISTORIC LANDMARK COMMISSION**  
DATE:  
BY: *Steve Sedowsky*  
for HLC Chair

**SCALE: 1/8"=1'-0"**  
**DATE: 07.08.2019**

**APPROVED**  
By Andrew Rice at 8:23 am, Jul 23, 2019



## Variance for lot size

Here are the applicable ordinances, which coincide with Site Development Regulation Section **25-2-492**

- Ordinance **20020131-20** - This is the *original* Hyde Park NCCD
- Ordinance **20120112-086** - This is the Hyde Park NCCD *amendment*

Section 8.1 of Ordinance

20020131-20 and later 20120112-086 – requires lot size to be a minimum 5,750 sq. Ft and 50' wide

As shown in the previous slide, this property has had this configuration since before 1946. This was before there were any modern regulations.

Modern regulations created later applied absolutely, to all zoning (regardless of whether older improvements existed or a new one is being proposed).

Therefore, this hardship has existed since before these modern regulations were introduced. We cannot change or affect lot size or width

***We request a variance for lot size of 1985 Sq Ft and a 39' width, as the Site Plan and other documents have shown this to be the actual size and width of the lot***



## Variance for parking space

Here are the applicable ordinances, which coincide with Site Development Regulation Section **25-6 (Parking Requirements Appendix A)**

- Ordinance **20020131-20** - This is the *original* Hyde Park NCCD
- Ordinance **20120112-086** - This is the Hyde Park NCCD *amendment*

\*Both of those sections are carried over into the amended ordinance (20120112-086). Part 7 of the original ordinance becomes Part 4 of the amended ordinance.

Here are the applicable parking subsections:

Section **7.17.D.1.A** of Ordinance 20020131-20 - compliance with current parking regulations is required for a 200+ Sq Ft addition

Section **7.17.G.2** of Ordinance 20020131-20 - 2 parking spaces are required for each dwelling unit in the Residential District.

Based on the modest addition proposed, NCCD code requires that we add another parking space

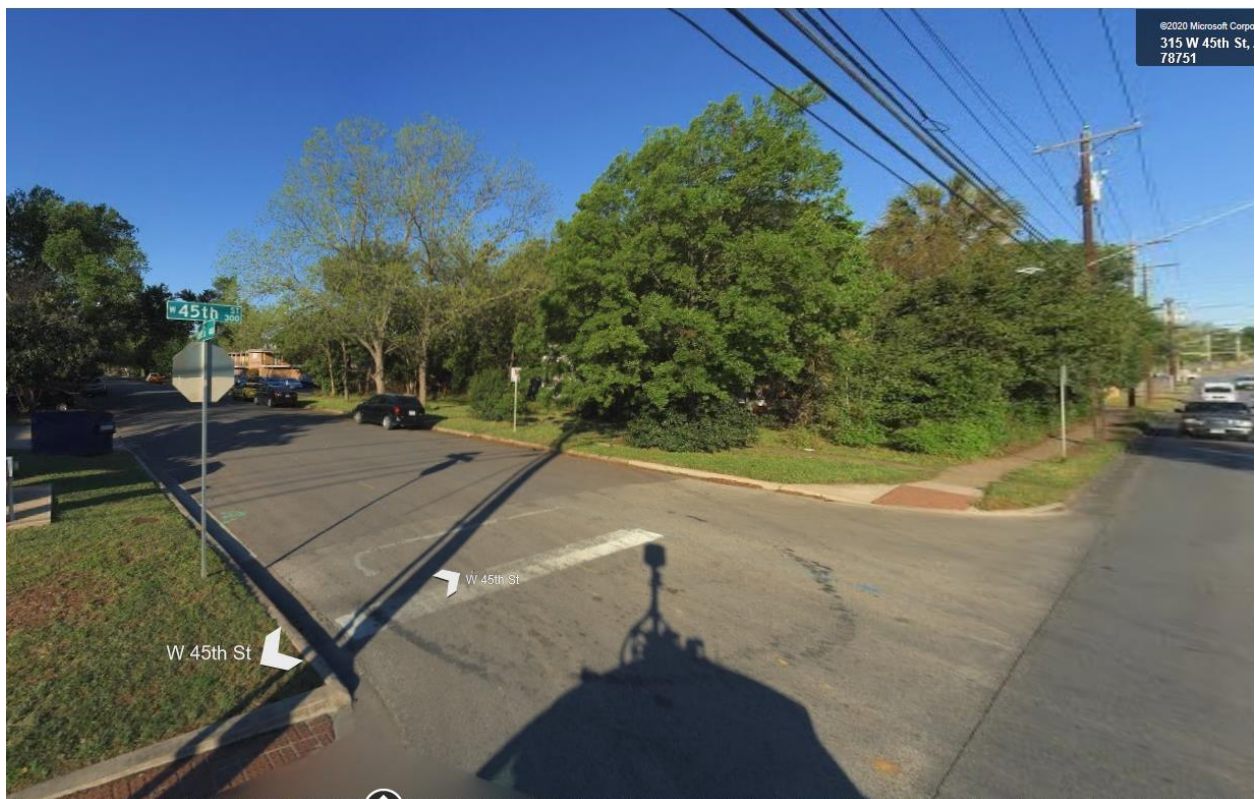
However, due to the restrictive lot size and impervious cover limitation we already face, we cannot create another parking space.

***We are requesting either of two variances for parking regulations; either increasing this lower threshold of 200 to 300 Sq Ft (listed in SubSec 7.17.D.1.A) or reduce the required parking spaces from 2 to 1 (listed in SubSec 7.17.G.2)***

**Traffic photo looking west. down 45<sup>th</sup> St. My house is to the left**



**Parking photo - ½ block west of my house, looking south down Avenue B.**



A reduction in parking would not increase anticipated traffic volumes, at all

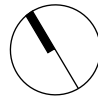
The existing single parking space has not created situations where parking on public streets is required, which interfere with traffic. 45th St does not allow nor have space for on-street parking.

It has not created any safety hazard.

The only reason we are requesting the parking variance is to meet all necessary regulations for the addition. There is no other use or need for it to run with the site

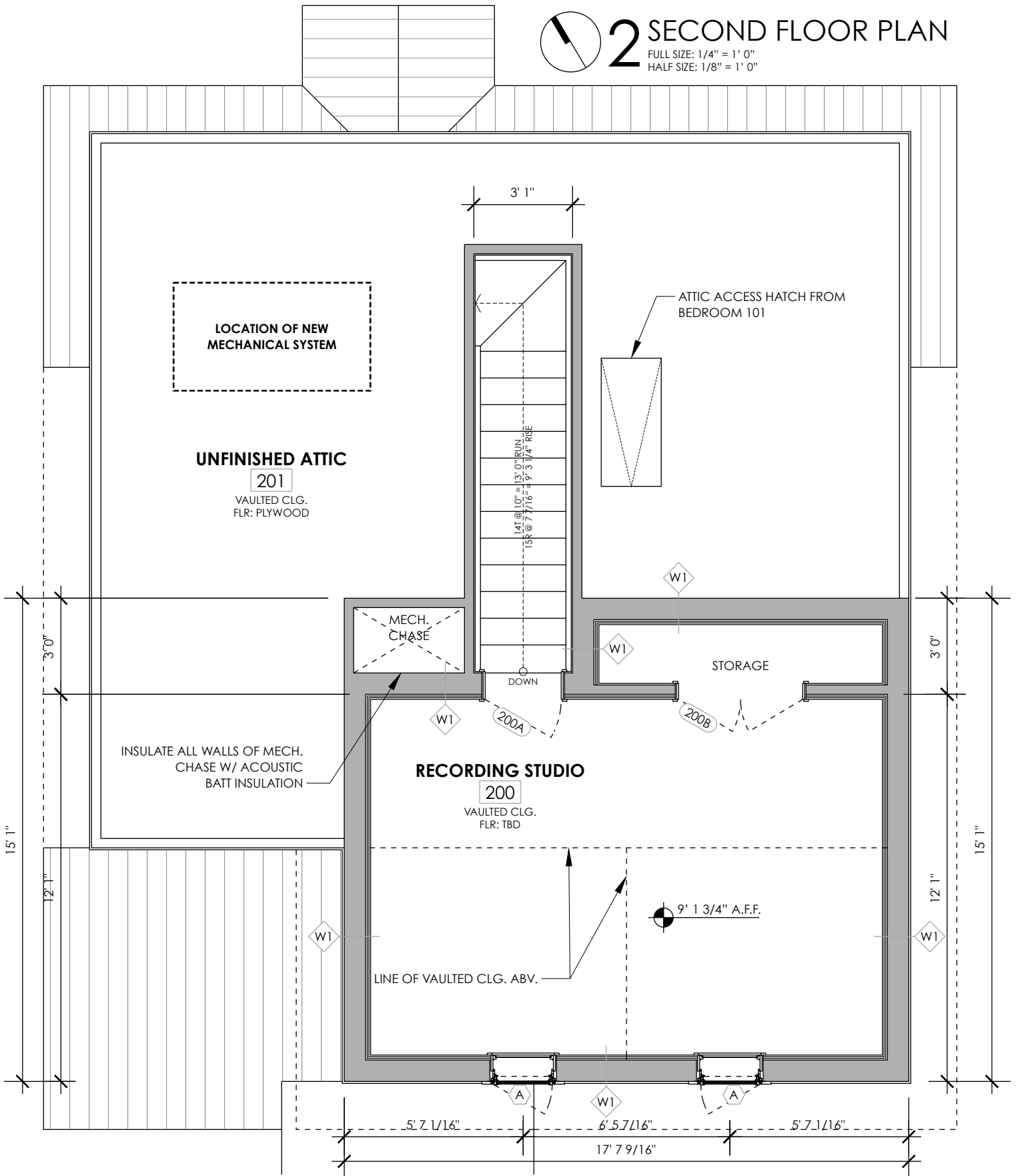
## **Summary**

The proposed improvements to the house are minor and modest, while still contributing to the historic district and improving the livability of the property



## 2 SECOND FLOOR PLAN

FULL SIZE: 1/4" = 1' 0"  
HALF SIZE: 1/8" = 1' 0"



**JFA**

Joe Fisher Architect  
VT, MA, TX  
jfisherarchitect.com

## SYNOWIEC RENOVATION

305 W 45TH ST., AUSTIN TX

SECOND FLOOR PLAN

04.23.20

SK.1