

## Gaudette, Angela

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**From:** Jane Ulrich <[REDACTED]>  
**Sent:** Sunday, October 25, 2020 7:41 PM  
**To:** PAZ Preservation  
**Cc:** Thad Swiderski; Neal Kassanoff; Anne Dibble; Scot Friedman; Isaiah Tibbs  
**Subject:** HR 20-144001 for Monday, Oct. 26, 2020  
**Attachments:** 4-255.pdf; 792-323.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* External Email - Exercise Caution \*\*\*

TO: Angela Gaudette, City of Austin Planning and Zoning Department  
RE: HR 20-144001 (new build at 1602 Wilshire Blvd., Austin, TX 78722, in the Wilshire Wood National Register Historic District)

My name is Jane Ulrich. My husband, Jim Dougherty, and I have lived for 41 years at 4205 Wilshire Pkwy., which is directly behind the property where the new build will be. **The back of our house is 20 feet from the fence line and will be about 30 feet from the back of their house and their planned swimming pool and outdoor entertainment area.**

We have been out of town since Oct. 12 and have just now gotten through all the mail that arrived in our absence, so we were unable to respond in a timely manner (before noon today) to be able to participate in the public hearing.

We have several concerns about the new build — some that affect us personally (the close proximity of the new build to our house and backyard) and some that affect us as members of the Wilshire Wood National Historic District, where this house will reside. (We are not currently a local historic district, but our neighborhood association is actively pursuing that designation.)

Houses in the Wilshire Wood National Register Historic District typically are low, one-story, ranch-style homes that are mostly stone or brick. Most were built in the 1940s, and the neighborhood — even with improvements and some new builds — has retained its historic charm.

**With a stucco exterior, this new build — while one story in height — would not be in keeping with the look of other homes in this historic neighborhood.**

**In addition, the stucco exterior is specifically against the deed restrictions for Wilshire Park, which require at least 50 percent stone or brick. (See attached deed restrictions. NOTE: The Fair Housing Act of 1968 renders unenforceable any racially discriminatory language in deed restrictions, advertising or otherwise. But it does not render other language in deed restrictions unenforceable.)**

Some houses on Wilshire Parkway that abut the 1602 Wilshire Blvd. property have experienced increased flooding issues in their yards and even in their homes over the past decade or so, possibly

due to improvements to Patterson Park and construction in the Mueller Development. There is no storm drain along the 1600 block of Wilshire Boulevard; the nearest storm drain is in the 1500 block, where Wilshire Boulevard crosses Boggy Creek.

We would ask that the city — and/or the builder and home owner — ensure that flood-management procedures are strictly followed during the build and after.

*(The location of a pool and entertainment space at the back of the new build also is a concern for us personally, but there probably is nothing we can do about that. The original home at 1602 Wilshire Boulevard was designed to have its “entertainment space” on the south side of the house, where it had privacy and did not affect the privacy of its neighbors at 4201, 4203, and 4205 Wilshire Pkwy. The original home had virtually no backyard, which meant we at 4205 Wilshire Pkwy. were able to enjoy privacy in our backyard. We believe the design of the new build will adversely affect our privacy — as well as the privacy of the new owners — because their pool and outdoor entertainment space will be 10 feet from the fence that separates us. The privacy fence will do little to protect either homeowner’s privacy. Also, I think they will be greatly surprised by the result on their pool of the constant, year-round shedding of cedar elm leaves from the trees in their yard and in their neighbors’ yards, but that is another matter altogether and is not a consideration here.)*

If it is too late for us to sign up to participate in the online meeting tomorrow, we would appreciate it greatly if you would take our concerns into consideration and share them with the architect and homeowner.

Thank you so much.

Jane Ulrich and Jim Dougherty  
4205 Wilshire Pkwy.  
Austin, TX 78722

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THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

BEFORE ME, the undersigned authority, on this day personally appeared WARD T. BLACKLOCK and wife, ERNESTINE T. BLACKLOCK, known to me to be the persons whose names are subscribed to the foregoing instrument, and the said Ward T. Blacklock acknowledged to me that he executed the same for the purposes and consideration therein expressed. And the said Ernestine T. Blacklock, wife of the said Ward T. Blacklock, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Ernestine T. Blacklock, 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 the 7 day of October, A. D. 1946.

Cousins Gregg  
Notary Public in and for Travis  
County, Texas

(Notary Seal)

Filed for record May 11, 1946 at 11:50 A. M. Recorded May 11, 1946 at 12:50 P. M.

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THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

KNOW ALL MEN BY THESE PRESENTS: That we, W. I. Bradfield and G. H. Brush, owners of Wilshire Park, as shown on the plat thereof recorded in Book 4, Page 255, of the Travis County Plat Records, do hereby impress all of the property included in said Wilshire Park with the following restrictions and covenants:

1. Designation of Use.

All lots in Wilshire Park shall be known and described as residential lots and shall be used for residential purposes only; provided that, with the consent of the City of Austin Zoning Board, a Sales Office may be maintained by the Subdividers. For the purpose of these restrictions and covenants, a "plot" shall consist of a lot or lots having a contiguous frontage.

2. Retention of Easements.

Easements are reserved as indicated on the recorded plat.

3. Restriction Against Nuisance Use.

No trade or profession of any character shall be carried on upon any lot; nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

4. Restriction as to Racial Use and Ownership.

No part of the premises or the property covered hereby shall ever be used by, rented, leased, sold, demised, conveyed to, or otherwise become the property of, or come into the use or possession of, any persons other than white persons of strict Caucasian blood.

5. Restriction Against Temporary Structures and Garage Apartments.

No trailer, tent, shack, detached garage, garage apartment, or other outbuilding shall be placed, erected, or be permitted to remain on any residential plot; nor shall any structure of temporary character be used at any time as a residence.

6. Restriction as to Minimum Lot Size.

No structure shall be erected or placed on any building plot which plot has an area of less than five thousand seven hundred fifty (5,750) square feet and a width of less than fifty (50) feet at the front building set-back line. No corner lot shall be re-

subdivided so as to permit an additional dwelling facing on a side street.

7. Restriction as to Number and Type of Improvements per Plot.

No improvements shall be erected, altered, placed or be permitted to remain on any residential building plot other than one one-family dwelling not to exceed one story in height, together with garage for not more than two cars. No garage apartment, servants quarters or detached garage or other outhouse shall be built on any lot or plot in said Wilshire Park, but any garage shall be a part of the main residence or attached thereto by a common wall or by a covered passage-way.

8. Set-Back and Side Line Restriction.

No building shall be located on any building plot nearer than twenty-five (25) feet to the front lot or street line, nor nearer than ten (10) feet to any side plot line, nor, in the case of corner lots, nearer than fifteen (15) feet to any side street line.

9. Restriction as to Size and Material of Improvements.

No dwelling may be erected in said Wilshire Park the ground area of which is less than six hundred (600) square feet, it being understood that one-half the area of covered porches, but not of garages, may be considered as a portion of such ground area.

Not less than fifty per cent (50%) of the outside face of the exterior walls of any dwelling or addition thereto (exclusive of door and window openings) shall be of stone or brick.

10. Architectural Control.

No structure shall be erected on any building plot in said Wilshire Park until the design and location thereof have been approved in writing by the Subdivider or by a committee appointed at intervals of not more than five years by the owners of a majority of the lots in said Wilshire Park, provided that, when a structure has been designed by a licensed architect, approval as to design by the Subdivider or committee shall not be required. If the Subdivider or such committee, if in existence, fails to act within fifteen days after plans have been submitted for approval as to design, or location, or both, and if no suit to enjoin the erection of such building has been commenced prior to the completion thereof, such approval shall not be required.

11. Curb and Gutter Requirement.

A standard City of Austin curb and gutter shall be constructed along the entire curb line of any street or streets contiguous to any plot in Wilshire Park when fifty per cent (50%) of the frontage of the block which includes said plot shall have been so curbed and guttered, and in no event later than the date of completion of a residence thereon.

12. General Covenants.

These restrictions and covenants are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring property in Wilshire Park, whether by descent, devise, purchase, or otherwise, and any person by the acceptance of title to any lot or plot of this subdivision shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants. These restrictions and covenants shall be binding until January 1, 1970. On and after January 1, 1970, said restrictions and covenants shall be automatically extended for successive periods of ten years each unless, by a vote of a three-fourths majority of the then owners of the lots in the said Wilshire Park, it is agreed to change said restrictions in whole or in part.

13. Penalty Provisions.

If any person or persons shall violate or attempt to violate any of the re-

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restrictions and covenants herein, it shall be lawful for any other person or persons owning any real property situated in the said Wilshire Park to prosecute proceedings at law or in equity against the person violating or attempting to violate any such restriction and covenant, and either to prevent him or them from so doing, or to correct such violation, or to recover damages or other dues for such violation. Invalidation of any one or any part of these restrictions by judgment or court order shall in no wise affect any of the other provisions or part of provisions which shall remain in full force and effect.

WITNESS OUR HANDS, this the 8th day of May, A. D. 1946.

W. I. Bradfield  
G. H. Brush

THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

BEFORE ME, the undersigned authority, on this day personally appeared W. I. Bradfield and G. H. Brush, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8th day of May, A. D. 1946.

Jane M. Hatch  
Notary Public, Travis County, Texas

(Notary Seal)

Filed for record May 11, 1946 at 12:45 P. M. Recorded May 13, 1946 at 8:25 A. M.

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THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

KNOW ALL MEN BY THESE PRESENTS: That we, Roy L. Fowler and wife, Julia Fowler, of Travis County, Texas, for and in consideration of the sum of Nine Hundred and Fifty Dollars (\$950.00) cash to us in hand paid by Lloyd W. Payne and T. E. Wiley, receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto the said Lloyd W. Payne and T. E. Wiley, of Travis County, Texas, all of the following described lot, tract or parcel of land situated in the City of Austin, Travis County, Texas, and known and described as Lot No. Nineteen (19) in Block No. Three (3) of Shelley Heights No. 2, a subdivision of a part of the North half of Cutlot No. Four (4) in Division "Z" in the City of Austin, Travis County, Texas, according to the official map or plat of said subdivision of record in the Plat Records of Travis County, Texas, to which reference is here made; said lot fronting fifty (50) feet on Nathan Street and running back the same width one hundred and five and 3/10 (105.3) feet.

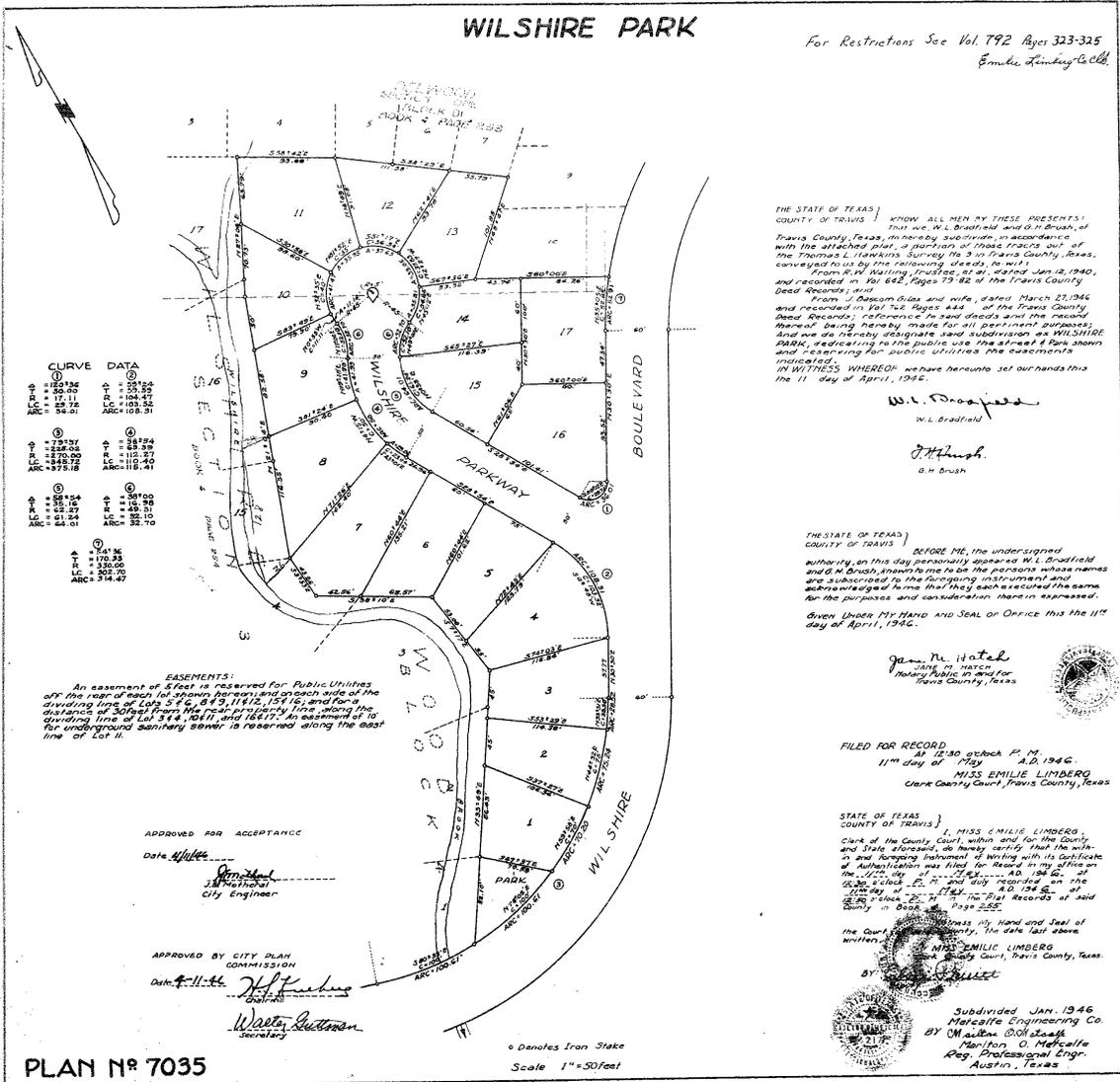
TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Lloyd W. Payne and T. E. Wiley, their heirs and assigns, forever; and we do hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Lloyd W. Payne and T. E. Wiley, their heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof; excepting, however, all taxes for 1946, the payment of which is assumed by the grantees.

It is understood and provided that this conveyance is made subject to all of the restrictions, covenants and conditions contained in deed to the grantors conveying said premises executed by J. J. Shelley on February 27, 1946, and recorded in Book No. 762, pages 431 to 433 of the Deed Records of Travis County, Texas, to which reference is here made for further description of said restrictions.

WITNESS OUR HANDS, this the 9th day of May, 1946.

# WILSHIRE PARK

For Restrictions See Vol. 792 Pages 323-325  
Emilie Limberg & Co.



**CURVE DATA**

①	②
PC = 182.13	PT = 281.54
LC = 50.00	LC = 55.59
PI = 17.11	PI = 18.36
LC = 52.72	LC = 103.36
ARC = 58.41	ARC = 108.31
③	④
PC = 73.23	PT = 281.54
LC = 128.06	LC = 55.59
PI = 112.27	PI = 18.36
LC = 148.72	LC = 110.40
ARC = 175.18	ARC = 118.41
⑤	⑥
PC = 281.54	PT = 381.00
LC = 36.16	LC = 10.98
PI = 12.27	PI = 10.98
LC = 61.24	LC = 22.10
ARC = 64.01	ARC = 22.70
⑦	⑧
PC = 314.36	PT = 381.00
LC = 170.55	LC = 10.98
PI = 130.00	PI = 10.98
LC = 305.70	LC = 22.10
ARC = 214.47	ARC = 22.70

**EASEMENTS:**  
An easement of 5 feet is reserved for Public Utilities off the rear of each lot shown herein and on each side of the dividing line of Lots 5 & 6, 8 & 9, 11 & 12, 15 & 16, and for a distance of 30 feet from the rear utility line along the dividing line of Lots 14, 15, 16, 17, and 18. An easement of 10 feet for underground sanitary sewer is reserved along the east line of Lot 11.

APPROVED FOR ACCEPTANCE  
Date 4/11/46  
*[Signature]*  
City Engineer

APPROVED BY CITY PLAN COMMISSION  
Date 4/11/46  
*[Signature]*  
Secretary

THE STATE OF TEXAS }  
COUNTY OF TRAVIS }  
KNOW ALL MEN BY THESE PRESENTS, that W. L. Bradford and G. H. Brush, of Travis County, Texas, do hereby subdivide, in accordance with the attached plat, a portion of those tracts out of the Thomas L. Hawkins Survey No. 3 in Travis County, Texas, conveyed to us by the following deeds, to wit:  
From R. M. Hasting, trustee, et al., dated Jan. 12, 1940, and recorded in Vol. 642, Pages 73-82 of the Travis County Deed Records; and  
From J. Dabcomb and wife, dated March 27, 1946 and recorded in Vol. 792, Pages 444-445 of the Travis County Deed Records; reference to said deeds and the record thereof being hereby made for all pertinent purposes; and we do hereby designate said subdivision as WILSHIRE PARK, dedicating to the public use the street & Park shown and reserving for public utilities the easements indicated.  
IN WITNESS WHEREOF, we have hereunto set our hands this 11 day of April, 1946.

*[Signature]*  
W. L. Bradford  
G. H. Brush

THE STATE OF TEXAS }  
COUNTY OF TRAVIS }  
BEFORE ME, the undersigned authority, on this day personally appeared W. L. Bradford and G. H. Brush, 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.  
Given Under My Hand and Seal of Office this 11th day of April, 1946.

*[Signature]*  
Jan. M. Hotal  
Notary Public in and for Travis County, Texas



FILED FOR RECORD  
At 12:30 o'clock P. M.  
11th day of April, A.D. 1946.  
MISS EMILIE LIMBERG  
Clark County Court, Travis County, Texas

STATE OF TEXAS }  
COUNTY OF TRAVIS }  
I, MISS EMILIE LIMBERG, Clerk of the County Court, within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 11th day of April, A.D. 1946, of 1946, at 12:30 P. M. and duly recorded on the 11th day of April, A.D. 1946, of 1946, in Book 792, Page 323 of the Plat Records of said County in Book 792, Page 323.

Subdivided JAN. 1946  
Matcalle Engineering Co.  
BY *[Signature]*  
Morton C. Matcalle  
Reg. Professional Engr.  
Austin, Texas

PLAN N° 7035

o Denotes Iron Stake  
Scale 1"=50 feet