

Zo Anne Mason  
7416 Sherwood Road  
Austin, TX 78745

May 2, 2023

City of Austin  
Zoning and Platting Commission

Re:

Rezoning: C14-2023-0004 - 7414 Sherwood Road Family; District 5

Location:

414 Sherwood Road 78745, South Boggy Creek

Owner/App: John Conner

Agent:

Thrower Design, LLC (A. Ron Thrower)

Request:

SF-2 to SF-3

Ladies and Gentlemen of the committee:

I have owned and lived in the house adjacent to the property referenced above for 23 years. I oppose the referenced Rezoning Application C14-2023-0004 for the following reasons:

1. The rezoning would allow up to 10 units on this 0.765 acre parcel.
2. The proposed density is inconsistent with Imagine Austin guidelines.
3. I am a member of the Matthews Lane Neighborhood Association and agree with its opposition of dense development .07 miles from a bus stop and 1 mile to amenities.
4. This project is inconsistent with neighboring lots (including my lot) and deed restrictions. I bought this house for the deed restrictions and limit of two homes per lot.
5. The area lacks urban infrastructure.
6. The rezoning would be detrimental for the wildlife in this neighborhood because it would destroy some of the natural habitat required for their existence.

Sincerely,

Zo Anne Mason

J. A. SHELBY

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TO

THE PUBLIC

THE STATE OF TEXAS }  
COUNTY OF TRAVIS }

KNOW ALL MEN BY THESE PRESENTS:

That I, J. A. Shelby, owner of Elm Wood Estates, as shown on plat thereof recorded in Book 6, Page 140, of the Travis County Plat Records, do hereby impress all of the property included in Elm Wood Estates, with the following restrictions and covenants;

1. No building shall be constructed, placed or permitted to remain upon any tract nearer than 75 feet to the street on which the tract faces, nor shall any dwelling house be constructed nearer than 8 feet to the side property lines. No dwelling house costing less than \$6,500 or containing less than 900 square feet of ground floor area exclusive of attached garages, breezeways and porches shall be constructed, placed or permitted to remain on any tract. Said house shall be of frame or better construction. Not more than two dwelling houses with the necessary out houses and servants' quarters shall be erected on any one tract as shown on the plat for this subdivision. No garage or garage apartment or other facilities shall be used for residence purposes until the principal dwelling house is erected.

No sod, earth, sand, gravel, stone or trees shall be removed from said tract to be sold or to the injury of the value or appearance of the property for residential use.

2. No unused building material, or other unsightly debris shall be left exposed on the front three-quarters of said property, except during actual building operations. Any building shall be completed and painted according to the foregoing requirements within eight months after erection is begun.

3. No tract or tracts in this subdivision shall be used for the erection of a church building, or for conducting any type of business, nor shall said property be used for any other purpose than that of a residence except that the subdivider may maintain a sales office.

4. No sewage or waste shall be allowed to run or flow into existing creeks, drains or branches, or on the surface of the ground. All sewage or waste shall be disposed of by owner by means of a septic tank as approved by the State Health Department, unless connection to a public sewage system is made.

5. Not more than one (1) head of livestock shall be kept on any tract of one



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acre or less in area, nor shall more than two (2) head of livestock be kept on any tract  
of over one acre in area.

6. 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 Elm Wood  
Estates subdivision whether by descent, devise, purchase, or otherwise, and any person  
by the acceptance of title to any tract 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, 1975. On and after  
January 1, 1975, 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 tracts in the then platted sections of Elm Wood Estates subdivision,  
it is agreed to change said restrictions in whole or in part.

7. If any person or persons shall violate or attempt to violate any of the  
restrictions and covenants herein, it shall be lawful for any other person or persons  
owning any real property situated in the platted sections of Elm Wood Estates to prose-  
cute proceedings at law or in equity against the person violating or attempting to vio-  
late 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.

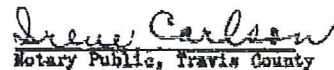
WITNESS MY HAND, this the 22<sup>nd</sup> day of October, 1953.

  
J. A. SHELBY.

THE STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally  
appeared J. A. Shelby, known to me to be the person whose name  
is subscribed to the foregoing instrument, and acknowledged to me that he executed the  
same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22 day of October, 1953.

  
Notary Public, Travis County

Filed for Record Jan. 14, 1955, at 4:50 P.M.  
Recorded Jan. 18, 1955, at 10:10 A.M.

IRENE CARLSON  
Notary Public, Travis County, Texas

Opposition to C14-2023-0004. Rezoning of 7414 Sherwood Road, 78745

As Secretary of the Matthews Lane Neighborhood Association, I assist neighbors who want to submit petitions. In visiting with eligible signatories, it became clear that Jon Conner's (owner) stated intent for this property is different from the forms that Thrower Design submitted on his behalf. Mr. Conner has told many neighbors that he plans to have 2 units on the lot.

Jon and I have been neighbors for 20 years, so I called him to discuss this on March 28. He told me that he couldn't build more than 2 units on the lot because of the power lines. And he wasn't sure whether he'd demolish or remodel the existing home. He said he hadn't seen Ms. Haase cover letter or the form stating that he planned to demolish. I sent these to him by email that evening and texted the next day to make sure he got the documents. He said "yes, I did" but did not reply to an email inviting him to meet with me and another neighbor.

I object because the proposed project is unclear and inconsistent with Imagine Austin guidelines. I oppose dense development 0.7 miles from a bus stop and 1 mile to amenities. The lot is part of Elmwood Estates subdivision, where SF-2 zoning is the norm and deed restrictions are in place. Stormwater drains across this property, which is near a water recharge zone. The area lacks urban infrastructure and has since it was annexed in 1984. And finally, the application submitted by Thrower Design and the owner's stated intention are inconsistent.

SF-2 zoning already allows 2 units on this lot, so there is no need to rezone. Thank you.

Ruth Lauer  
7309 Forest Wood Rd 78745  
Secretary, Matthews Lane Neighborhood Association  
4/14/2023

For Restrictions of this Plat see Vol. 14 as page 368 Reed Records.  
 For Restrictions see Vol. 1536, Page 207, and Records Emily Limberg, Co. Clerk.  
 Emily Limberg, Co. Clerk

# ELM WOOD ESTATES

"In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads, and all public thoroughfares delineated and shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and/or the developer of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads, and other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith."

STATE OF TEXAS, County of Travis, I, Miss Emily Limberg, Clerk of said County, do hereby certify that on the 8th day of August, A.D. 1953 the Commissioners Court of Travis County, Texas, passed an order authorizing the filing of this plat and that said order has been duly entered in the minutes of said Court in Book 100, page 407.

Witness my Hand and Seal of Office this 8th day of August, A.D. 1953.  
 (Seal)  
 Miss Emily Limberg  
 Clerk of said Court, Travis County, Texas  
 BY: [Signature] Deputy

FILED FOR RECORD  
 At 5:00 o'clock P.M. the 8th day of August, A.D. 1953  
 Miss Emily Limberg  
 Clerk of said Court, Travis County, Texas

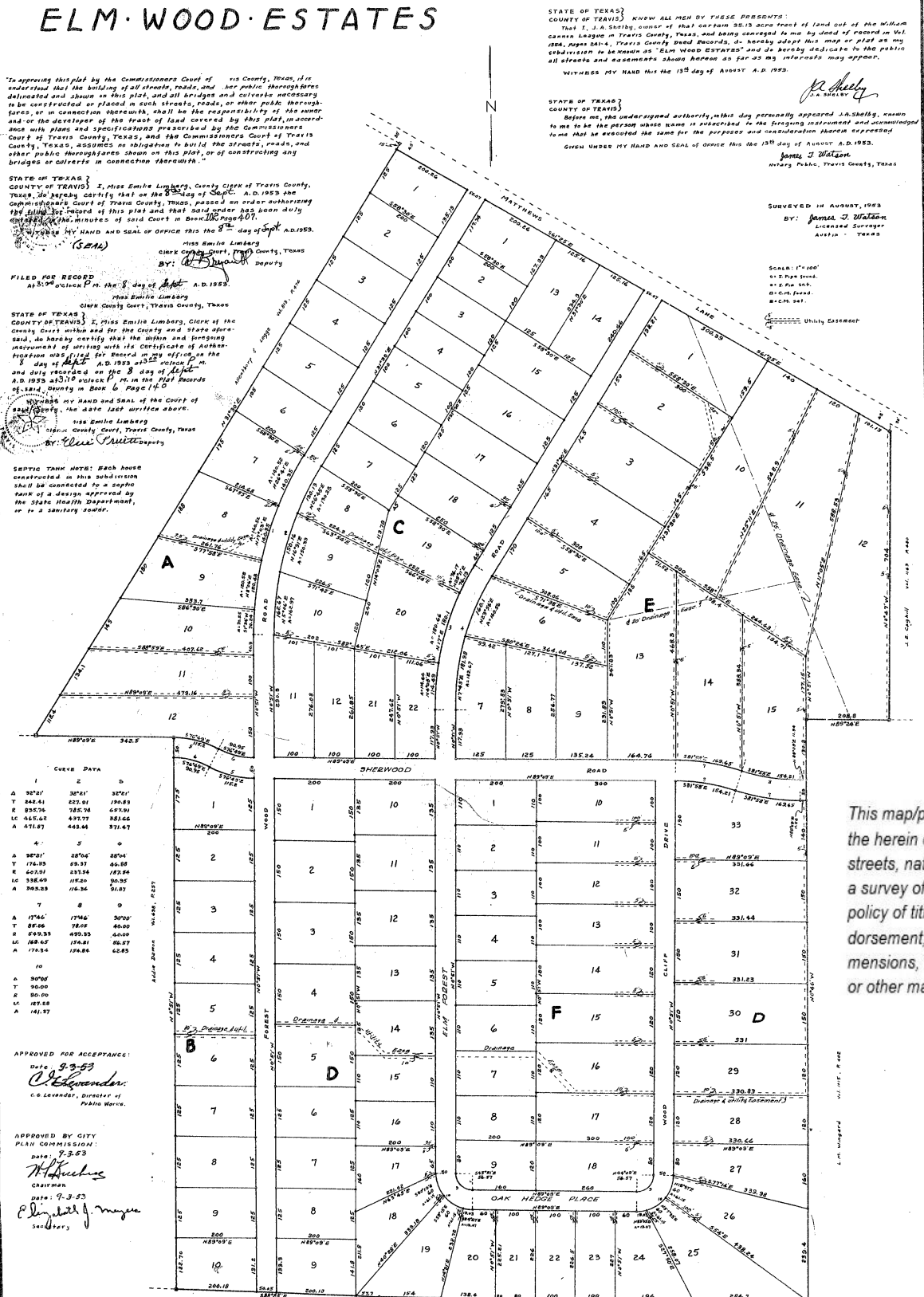
STATE OF TEXAS, County of Travis, I, Miss Emily Limberg, Clerk of said County, do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 8th day of August, A.D. 1953 and was duly recorded on the 8th day of August, A.D. 1953 at 10 o'clock P.M. in the Plat Records of said County in Book 6, Page 10-5.  
 Witness my Hand and Seal of the Court of said County, the date last written above.  
 Miss Emily Limberg  
 Clerk of said Court, Travis County, Texas  
 BY: [Signature] Deputy

SEPTIC TANK NOTE: Each house constructed in this subdivision shall be connected to a septic tank of a design approved by the State Health Department, or to a sanitary sewer.

Curve Data			
1	2	3	4
A 32°21'	32°21'	32°21'	
T 242.41	227.01	190.83	
E 292.76	785.76	427.91	
LC 451.87	451.77	361.66	
A 471.87	443.44	371.47	
5			
A 32°21'	28°04'	28°04'	
T 176.23	89.37	46.88	
E 420.81	817.86	127.88	
LC 336.49	118.20	90.32	
A 368.23	116.36	91.87	
6			
A 17°46'	17°46'	30°00'	
T 89.40	78.09	40.00	
E 264.33	490.53	50.00	
LC 168.45	174.81	96.27	
A 173.34	174.84	62.85	
7			
A 30°00'			
T 90.00			
E 90.00			
LC 187.83			
A 141.97			

APPROVED FOR ACCEPTANCE:  
 DATE: 9-3-53  
 C. E. Leander, Director of Public Works.

APPROVED BY CITY PLAN COMMISSION:  
 DATE: 9-3-53  
 M. [Signature]  
 Chairman  
 Date: 9-3-53  
 E. [Signature]  
 Secretary



STATE OF TEXAS, COUNTY OF TRAVIS, I, J. A. Shelly, owner of that certain 35.15 acre tract of land out of the William Cannon League in Travis County, Texas, and being conveyed to me by deed of record in Vol. 1536, page 207, Travis County, Texas, do hereby adopt this map or plat as my subdivision to be known as "ELM WOOD ESTATES" and do hereby dedicate to the public all streets and easements shown hereon as far as my interests may appear.  
 WITNESS MY HAND this 15th day of August, A.D. 1953.  
 J. A. Shelly  
 J. A. Shelly

STATE OF TEXAS, COUNTY OF TRAVIS, Before me, the undersigned authority, on this day personally appeared J. A. Shelly, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein representing.  
 GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of August, A.D. 1953.  
 James J. Watson  
 Notary Public, Travis County, Texas

SURVEYED IN AUGUST, 1953  
 BY: James J. Watson  
 Licensed Surveyor  
 Austin - Texas

SCALE: 1"=100'  
 1/2" Page bond  
 1/4" 6 in. tab.  
 1/8" 6 in. bond  
 1/16" 6 in. tab.

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.