

**HISTORIC LANDMARK COMMISSION
DECEMBER 6, 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.

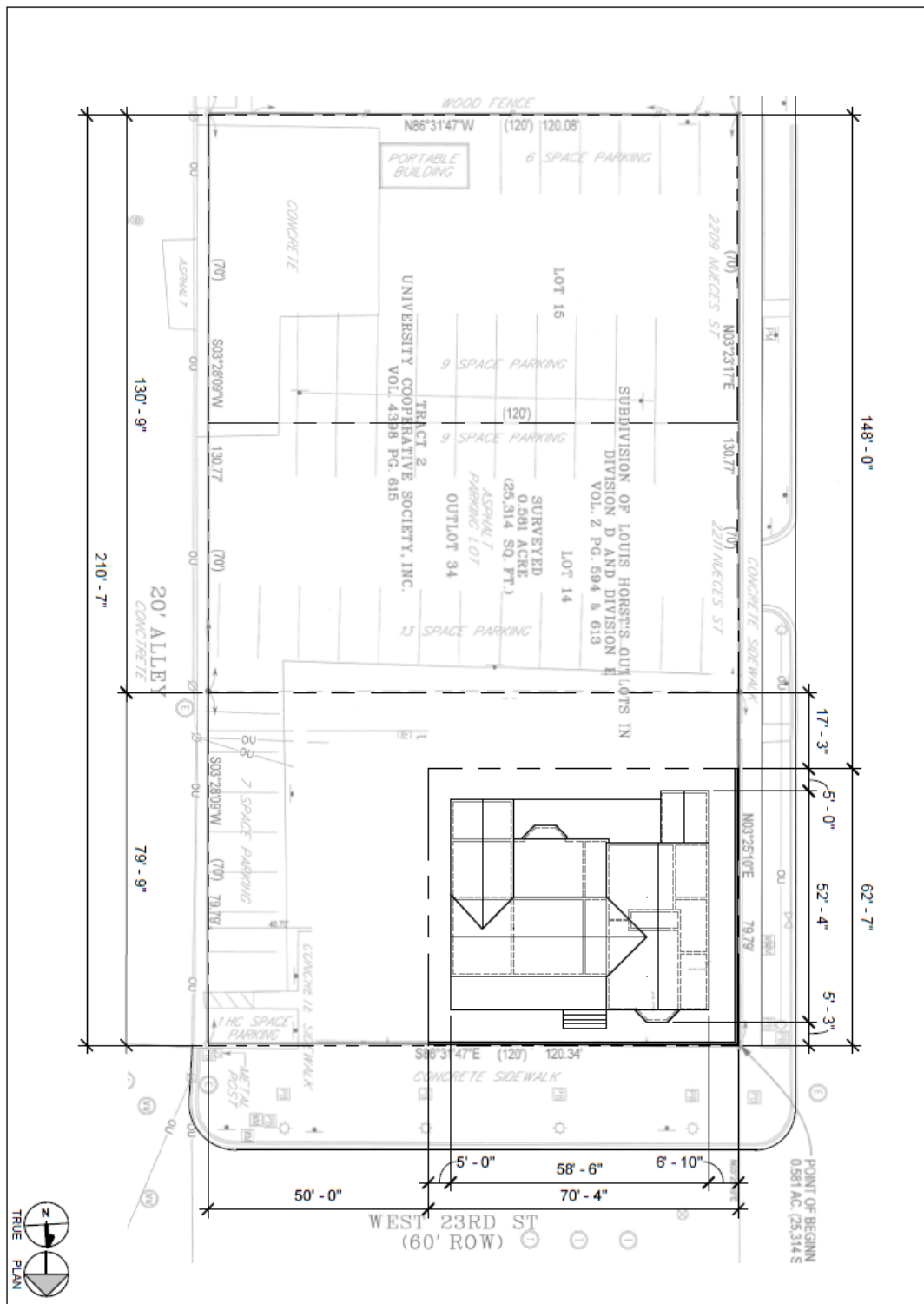
COMMITTEE RECOMMENDATIONS

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.



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

DABNEY HORNE HOUSE

507 W. 23RD STREET
AUSTIN, TEXAS 78705
Copyright Carter Design Associates, Inc.

REVISED HISTORIC SITE

16 SEPTEMBER 2013

1" = 20'-0"

Steve,

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

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

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

Donna D. Carter, FAIACARTER • DESIGN ASSOCIATES

817 West Eleventh Street, Austin, TX 78701



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



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



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



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

HISTORIC ZONING CHANGE REVIEW SHEET

CASE: C14h-89-0010H.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

STAFF RECOMMENDATION (February 18, 1992)

C14H-89-0010

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

STRUCTURE BACKGROUND

DATE BUILT: c. 1883

ARCHITECT: Unknown*

ORIGINAL OWNER: Robert L. Dabney

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

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

The original windows have been replaced with metal windows.

* Robert L. Dabney may have designed the house.

CASE BACKGROUND

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

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

BASIS FOR RECOMMENDATION

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

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

-2-

C14H-89-0010

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	AI	SD	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:

NAMES

ADDRESS

TELEPHONE NO.

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 *

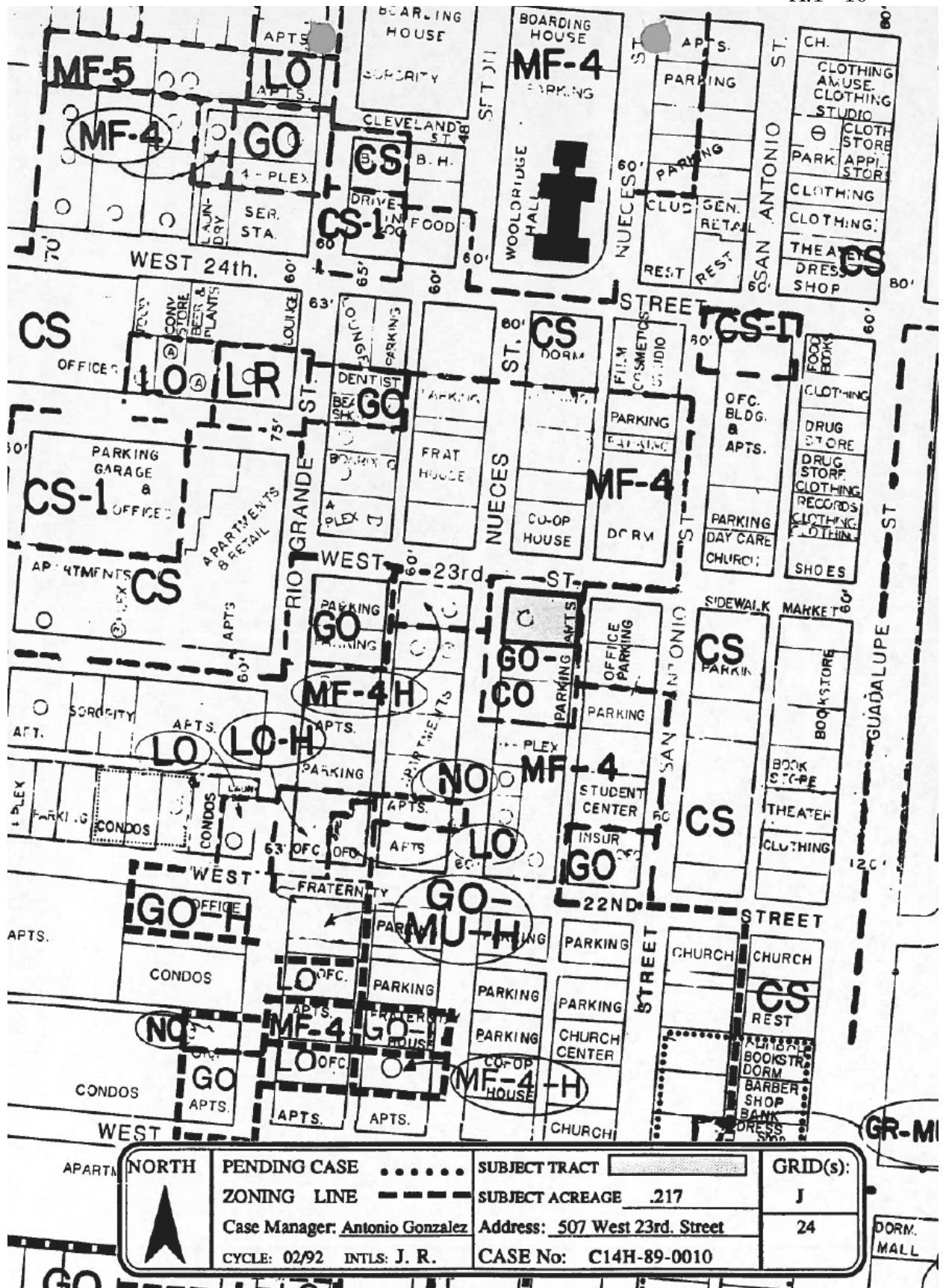
BUILDER: Unknown

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.



Historic Landmark Commission MINUTES - March 22, 1989

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 McHone - Save University Neighborhoods

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

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

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

COMMISSION ACTION: Christianson/Judge

Motion: To recommend historic zoning.

Ayes: Unanimous
Absent: Creer, Fowler

THE MOTION PASSED BY A VOTE OF 8-0.

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

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

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;

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.

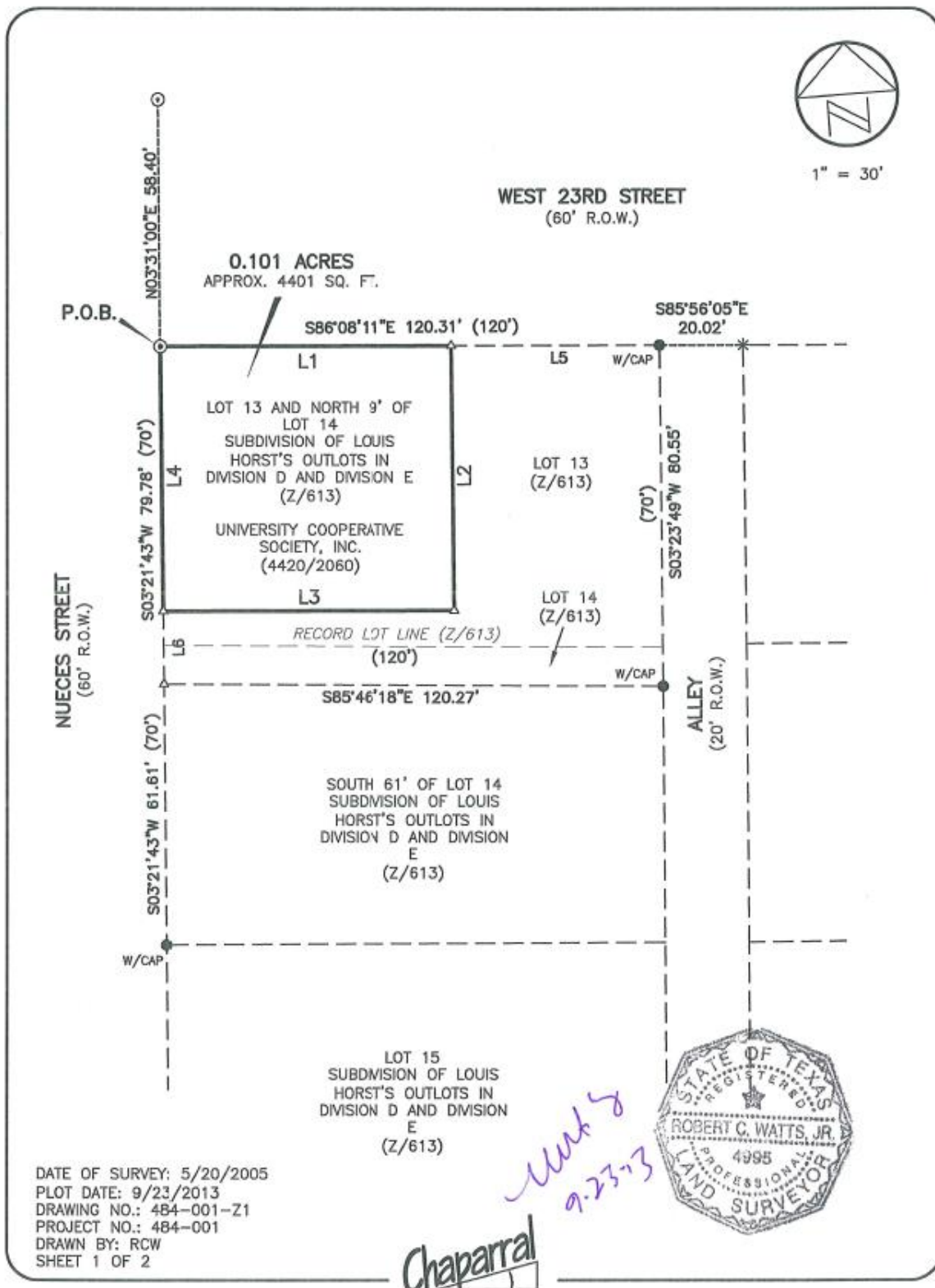
Surveyed on the ground on May 20, 2005. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA Control Network. Attachments: 484-001-Z1.

unt 5 9.23-13

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



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

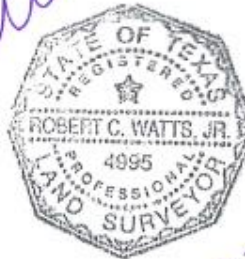


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L3	N86°08'11"W	70.33'
L4	N03°21'43"E	62.58'
L5	S86°08'11"E	49.98'
L6	S03°21'43"W	17.20'

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,

A handwritten signature in black ink, appearing to read "Cliff Harbour MGR", is written over the word "Sincerely,".

Cliff Harbour, managing partner



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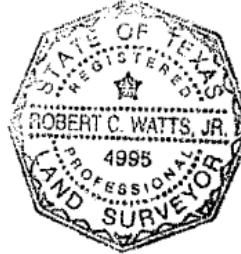
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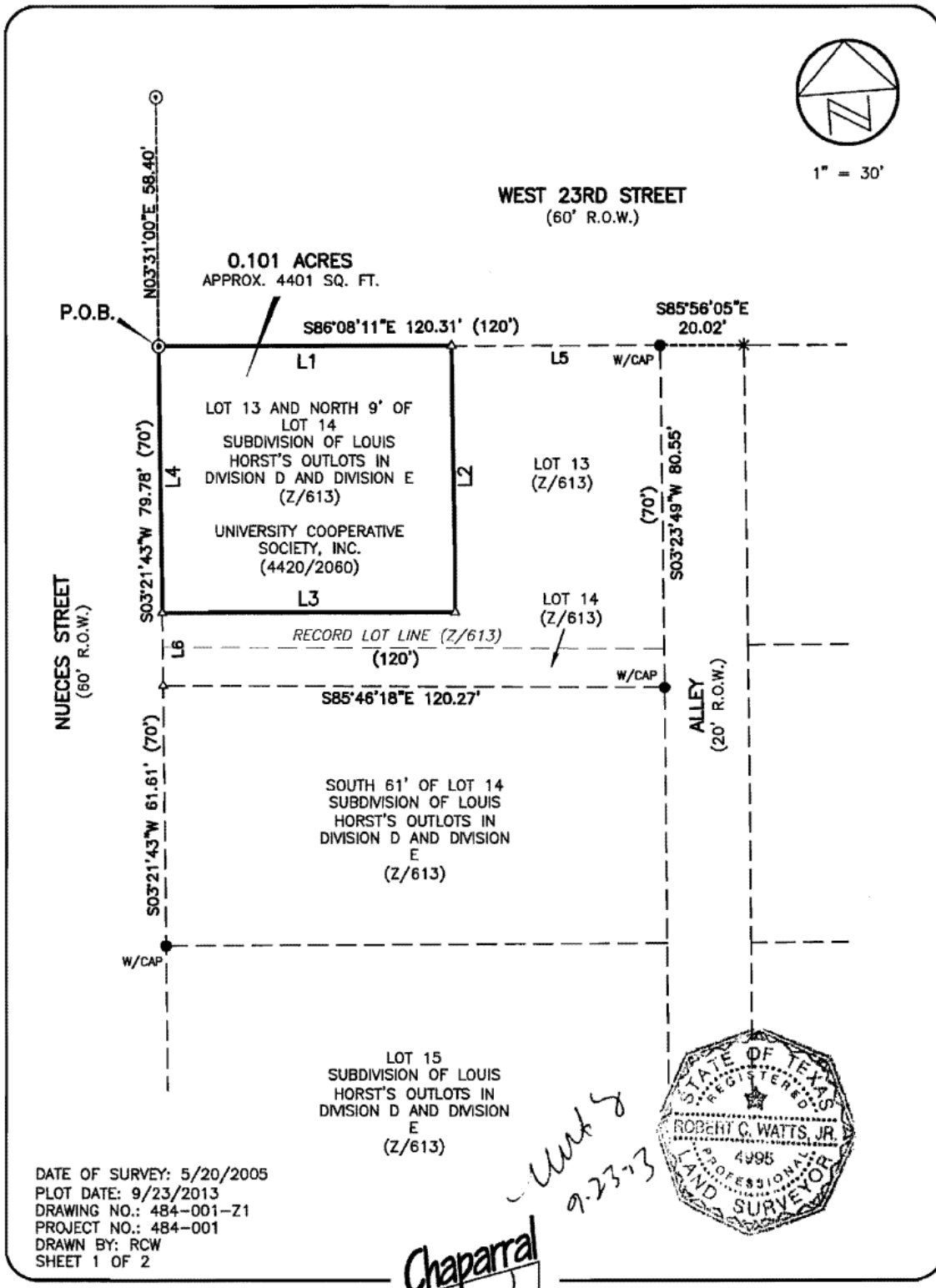
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Registered Professional Land Surveyor
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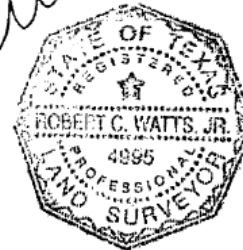


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ATTACHMENTS: METES AND BOUNDS DESCRIPTION 484-001-Z1.

Chaparral

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

Maria Sanchez

City of Austin Law Department
301 W. 2nd Street, P.O. Box 1088
Austin, Texas 78767-1088

(512) 974-1354 (phone)

(512) 974-6491 (fax)

mail to: maria.sanchez@austintexas.gov