

ORDINANCE NO. 20170803-084

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY GENERALLY KNOWN AS THE PENNYBACKER-ALEXANDER HOUSE LOCATED AT 811 EAST 38TH STREET IN THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AREA FROM SINGLE-FAMILY RESIDENCE STANDARD LOT-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-2-CO-NP) COMBINING DISTRICT TO SINGLE-FAMILY RESIDENCE STANDARD LOT-HISTORIC LANDMARK-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-2-H-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single-family residence standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district to single-family residence standard lot-historic landmark-conditional overlay-neighborhood plan (SF-2-H-CO-NP) combining district on the property described in Zoning Case No. C14H-2017-0038, on file at the Planning and Zoning Department, as follows:

0.42 of an acre parcel of land, being a portion of Lots 1 and 2, of Beau Site Addition, a subdivision of Outlots No. 6 and No. 9, in Division "C", in the City of Austin, Travis County, Texas, as recorded in Book 2, Page 184, of the Plat Records of Travis County, Texas, same being the parcel of land as conveyed to John David Peck, in a warranty deed recorded in Document No. 2004217460 of the Official Public Records of Travis County, Texas, said 0.42 of an acre parcel being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

generally known as The Pennybacker-Alexander House, locally known as 811 East 38th Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit "B"**.

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. The maximum height of a single family structure on the Property is 30 feet from ground level and two stories. If the principal single family structure on the Property is constructed 15 or more feet from all property lines, then the

maximum height of a single family structure is 35 feet from ground level and two stories.

- B. For an interior lot, if the front yard setbacks of existing adjacent principal single family structures exceed 25 feet, then the front yard setback on the Property may not be more than five feet different from the average of the front yard setbacks of the principal single family structures on the same side of the street on a block.
- C. If the principal single family structure on the Property has been removed within the preceding 12 months from the time of site plan application, the minimum front yard setback for new construction is the setback of the single family structure previously located on the site.
- D. The width of a driveway on the Property may not exceed 18 feet.

Except as specifically restricted under this ordinance, the Property may be used in accordance with the regulations established for the single-family residence standard lot (SF-2) district and other applicable requirements of the City Code.

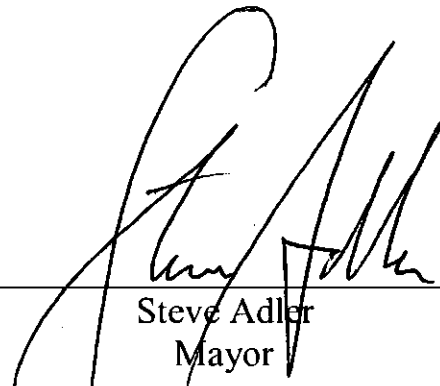
PART 3. The Property is subject to Ordinance No. 040826-59 that established zoning for the Central Austin Combined Neighborhood Plan.

PART 4. This ordinance takes effect on August 14, 2017.

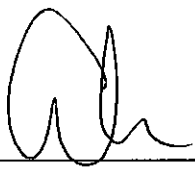
PASSED AND APPROVED

_____, August 3, 2017

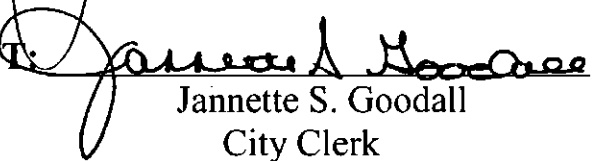
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Steve Adler
Mayor

APPROVED: 

Anne L. Morgan
City Attorney

ATTEST: 

Jannette S. Goodall
City Clerk

EXHIBIT "A"

FIELD NOTES DESCRIBING A 0.42 OF AN ACRE PARCEL OF LAND, BEING A PORTION OF LOTS 1 AND 2, OF BEAU SITE ADDITION, A SUBDIVISION OF OUTLOTS NO.6 AND NO.9, IN DIVISION "C", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN BOOK 2, PAGE 184, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING THE PARCEL OF LAND AS CONVEYED TO JOHN DAVID PECK, IN A WARRANTY DEED RECORDED IN DOCUMENT NO. 2004217460 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.42 OF AN ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a 1" iron pipe found in the south r-o-w line of East 38th Street, same being the northwest corner of a parcel of land as conveyed to Nancy Groblewski in Document Number 2000189547 of the Official Public Records of Travis County, Texas, same being the northeast corner of the aforementioned Alexander parcel, (as previously described as two parcels to Pennybacker, hereinafter referred to as one parcel called the "Alexander parcel"), said point being the northeast corner and the PLACE OF BEGINNING hereof;

THENCE, leaving said r-o-w line and following the common line between the aforementioned Groblewski and Alexander parcels, S 16° 19' 10" W, for a distance of 121.28 feet, to an "X" cut found with a P.K. nail on a stone wall, said point being the southwest corner of the said Groblewski parcel, same being the southeast corner of the said Alexander parcel, for a point in the north line of a parcel of land as conveyed to Daniel R. Garza and Jalaane Levi-Garza, in Volume 11579, Page 1599 of the Real Property Records of Travis County, Texas, said point being the southeast corner hereof;


THENCE, along the north line of the aforementioned Garza parcel, same being the south line of the aforementioned Alexander parcel, and following along a stone wall, passing the northwest corner of the said Garza parcel, same being the northeast corner of a parcel of land as conveyed to Alex Davern, in Document Number 2003168033 of the Official Public Records of Travis County, Texas, N 69° 35' 04" W, for a distance of 90.02 feet to an "X" cut found on the stone wall, said point being in the north line of the said Davern parcel, same being the south line of the said Alexander parcel for an angle point hereof;

THENCE, along the north line of the aforementioned Davern parcel, same being the south line of the aforementioned Alexander parcel, and continuing along a stone wall, N 69° 35' 04" W, for a distance of 48.45 feet to a P.K. nail found on the stone wall, said point being in the north line of the said Davern parcel, same being the southeast corner of a parcel of land as conveyed to Brian B. Omara, in Volume 4826, Page 1238 of the Deed Records of Travis County, Texas, same being the southwest corner of the said Alexander parcel, for the southwest corner hereof;

THENCE, along the common line between the aforementioned Omara and Alexander parcels N 16° 49' 40" E, for a distance of 145.04 feet to a 1" iron pipe found, said point being in the south r-o-w of the aforementioned East 38th Street, same being the northeast corner of the said Omara parcel, same being the northwest corner of the said Alexander parcel, for the northwest corner hereof;

THENCE, along the aforementioned south r-o-w line of East 38th Street, same being the north line of the aforementioned Alexander parcel, S 59° 52' 00" E, (Bearing Basis of this survey), for a distance of 140.90 feet to the PLACE OF BEGINNING, containing 0.42 of an acre of land, more or less.

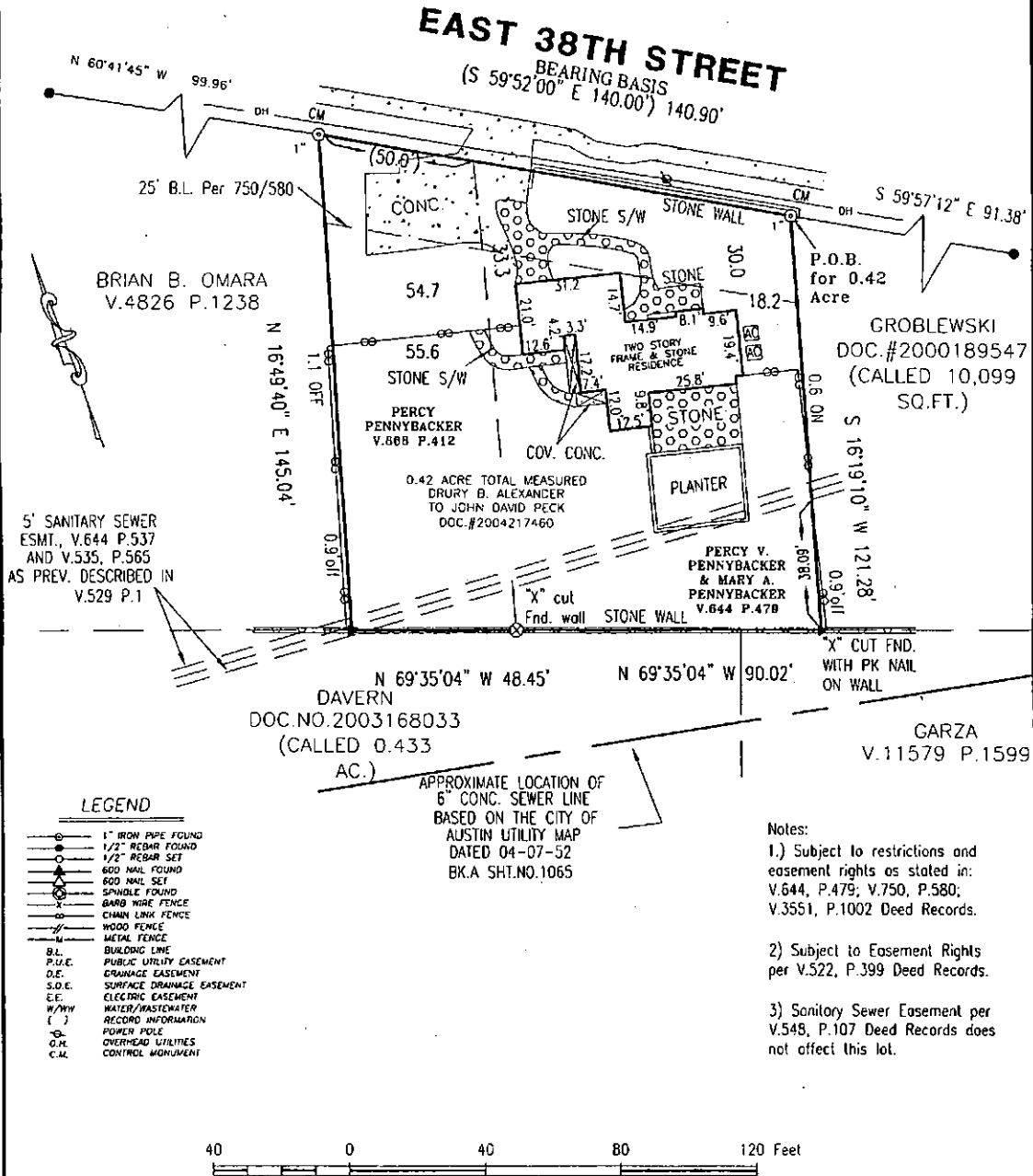
FIELD NOTES ONLY TO BE USED WITH THE ATTACHED PLAT.


VICTOR M. GARZA — R.P.L.S. NO. 4740
B & G SURVEYING, INC.
1404 W. NORTH LOOP BLVD.
AUSTIN, TEXAS 78756
(512) 458 - 6969
B0204012

2-23-12
DATE



DUE TO THE APPROXIMATE LOCATIVE NATURE AND THE MISALIGNMENT OF THE SEWER LINE WITH THE SEWER ESMT., IT IS RECOMMENDED THAT A CITY OF AUSTIN LOCATOR TECHNICIAN, BE ENGAGED TO MAKE A PRECISE ON-SITE LOCATION OF THE LINE.



0.42 of an acre of land, more or less, out of and part of Lots 1 and 2, of Beau Site, a subdivision out of Outlot Nos 6 and 9, Division "C", in the City of Austin, Texas, according to the map or plot of record in V.2, P.184, of the Plot Records of Travis County, Texas, and being the same property conveyed by Drury B. Alexander to John Peck in Deed dated November 5, 2004, recorded in Document No. 2004217460, of the Official Public Records of Travis County, Texas.

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 811 EAST 38TH STREET
CITY: AUSTIN REFERENCE NAME ALEXANDER M. DAVERN



B&G Surveying, Inc.

Dewey H. Burris & Associates

Surveyed by: B&G Surveying, Inc.

1404 West North Loop Blvd., Austin, Texas 78756
Office 512-458-6959 - Fax 512-458-9845



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0465H DATED 9-26-08. IT IS REPRESENTED AS IN ZONE "X" HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAIN ADMINISTRATOR.

JOB # B0204012_TA

TO THE LIENHOLDER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED AND TO

DATE 2-23-12

TITLE CO GRACY

G.F. # 1200858

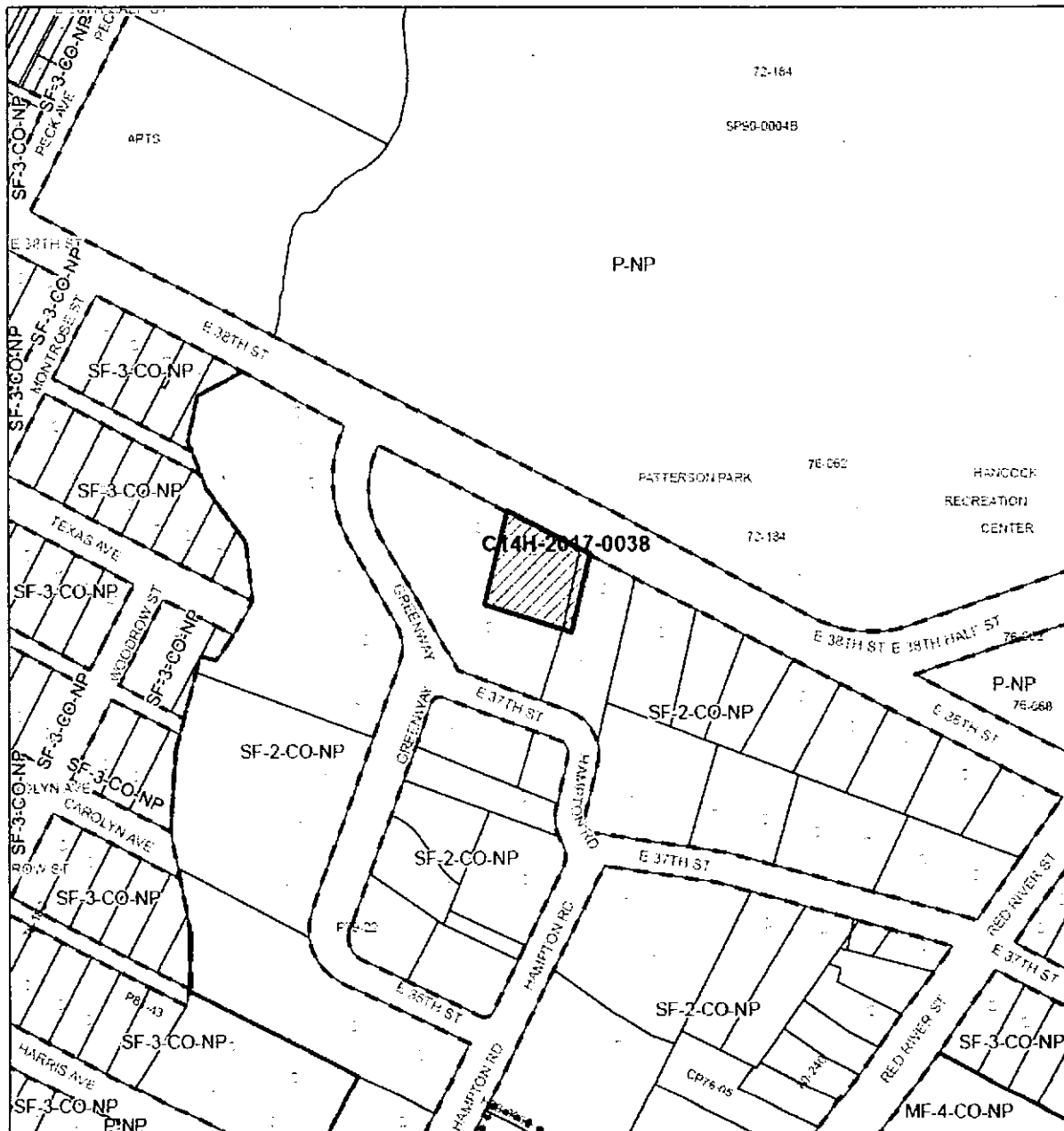
SCALE 1" = 40'

GRACY TITLE COMPANY
STEWART TITLE GUARANTY COMPANY

I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON, IS PREPARED IN ACCORDANCE TO THE TITLE COMMITMENT REFERENCED HEREON, AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS, ENCROACHMENTS OR LAPPING OF IMPROVEMENTS, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON.

FIELD WORK	RH	2-22-12
CALCULATIONS	VG	2-22-12
DRAFTING	AW	2-22-12
CORRECTIONS	VICTOR	2-22-12
UP DATE		

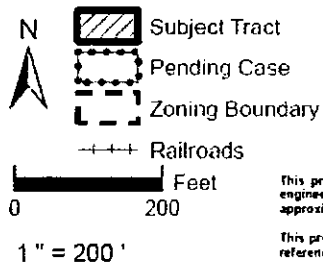
LOCATION MAP



ZONING

Case#: C14H-2017-0038

EXHIBIT B



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 4/11/2017