

Gaudette, Angela

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



CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

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-

THE STATE OF TEXAS)
COUNTY OF TRAVIS)
I, _____, a duly qualified and sworn
Justice of the Peace for said County of Travis, Texas, do hereby certify, in accordance
with the attached plat, a portion of those tracts of land of the State of Texas, which were
conveyed to me by the following deeds, to wit:
Deed of J. W. Bradford and J. D. Shaw, to me, dated the 1st day of Jan., 1940,
and recorded in Vol. 662, Pages 73-82 of the Travis County
Deed Records.

From J. D. Boscumb and wife, dated March 27, 1944,
and recorded in Vol. 742, Pages 44-45, of the Travis County
Deed Records, reference being made to the plat of said
herein, being hereby made for all pertinent purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and
AFFIXED the seal of said County of Travis, this 14th day of April, 1946.

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. M. 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 11th
day of April, 1946.

JANE M. MATCH
Notary Public in and for
Travis County, Texas

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

STATE OF TEXAS
COUNTY OF TRAVIS }

I, MISS EMILIE LINDBERG,
Clark 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 duly received in my office on
the 11th day of February AD 1966, at
the City of ST. LOUIS, MO.
Witness my hand and the Seal of said
County in the City of ST. LOUIS, MO. AD 1966,
at the place of the said Plat Records of said
County in the City of ST. LOUIS, MO.

The Court, the Seal of said County, and the Seal of
the County, the Seal of said County, the date last above
written.

MISS EMILIE LINDBERG
Clark County Court, Travis County, Texas.

Subdivided JAN. 1946
Metcalfe Engineering Co.
BY *M. Sullivan* *O. Metcalfe*
Mariton O. Metcalfe
Reg. Professional Engr.
Austin, Texas

CURVE		DATA	
①	②		
$\Delta T = 120.36$	$\Delta T = 55.124$		
$R = 30.60$	$R = 55.59$		
$LC = 17.11$	$LC = 104.47$		
$ARC = 34.75$	$LC = 103.52$		
$ARC = 34.01$	$ARC = 108.31$		
③	④		
$\Delta T = 72.57$	$\Delta T = 38.254$		
$R = 22.026$	$R = 39.39$		
$LC = 70.00$	$LC = 112.27$		
$LC = 345.72$	$LC = 110.40$		
$ARC = 375.18$	$ARC = 116.41$		
⑤	⑥		
$\Delta T = 56.54$	$\Delta T = 38.00$		
$R = 35.16$	$R = 16.98$		
$LC = 62.27$	$LC = 19.33$		
$LC = 61.24$	$LC = 32.10$		
$ARC = 64.01$	$ARC = 32.70$		

⑦

▲ = 54° 36'
T = 170.33
R = 330.00
LC = 302.70
ARC = 314.47

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 dividing line of Lot 10 for a dividing line of Lot 3 & 4, 10 & 11, and 16 & 17. An easement of 10' for underground sanitary sewer is reserved along the east line of Lot 11.

APPROVED FOR ACCEPTANCE

Date 4/11/46

J. A. Motheral
J. A. Motheral
City Engineer

APPROVED BY CITY PLAN

Date 4-11-46 H. J. Kuehner
Chairman

Walter Guttman
Secretary

PLAN № 7035

o Denotes Iron Stake
Scale 1" = 50 feet