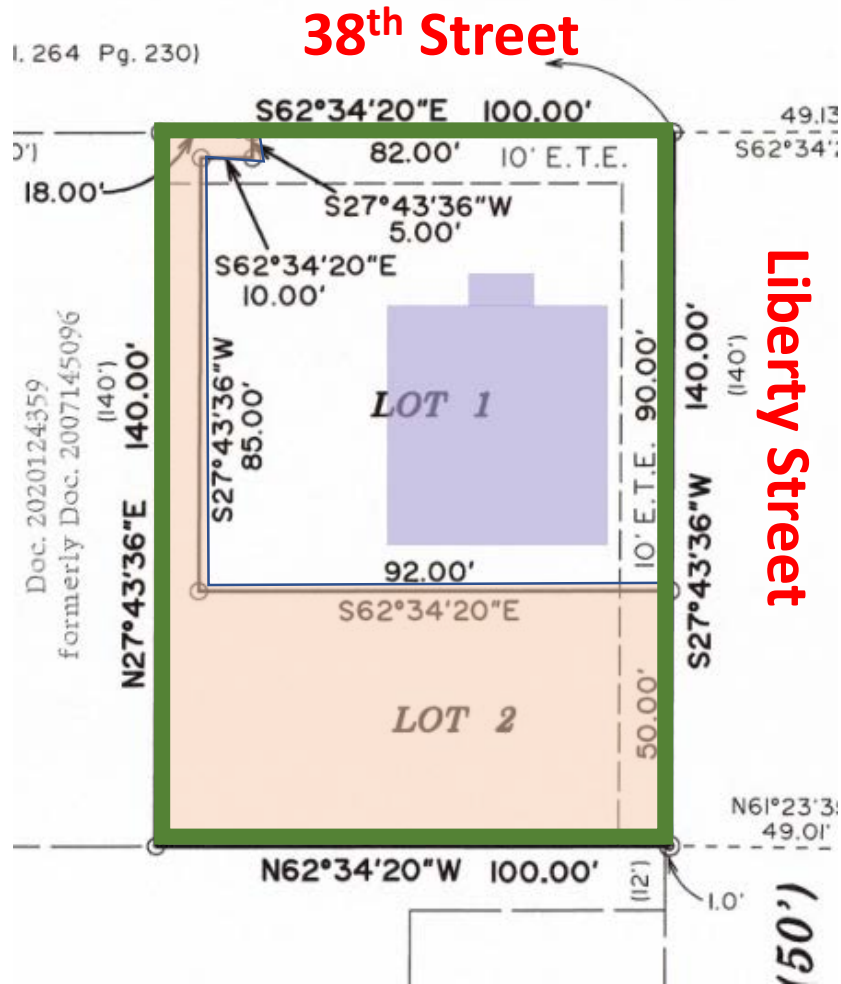


# The Plan

## Item 6/1-PRESENTATION

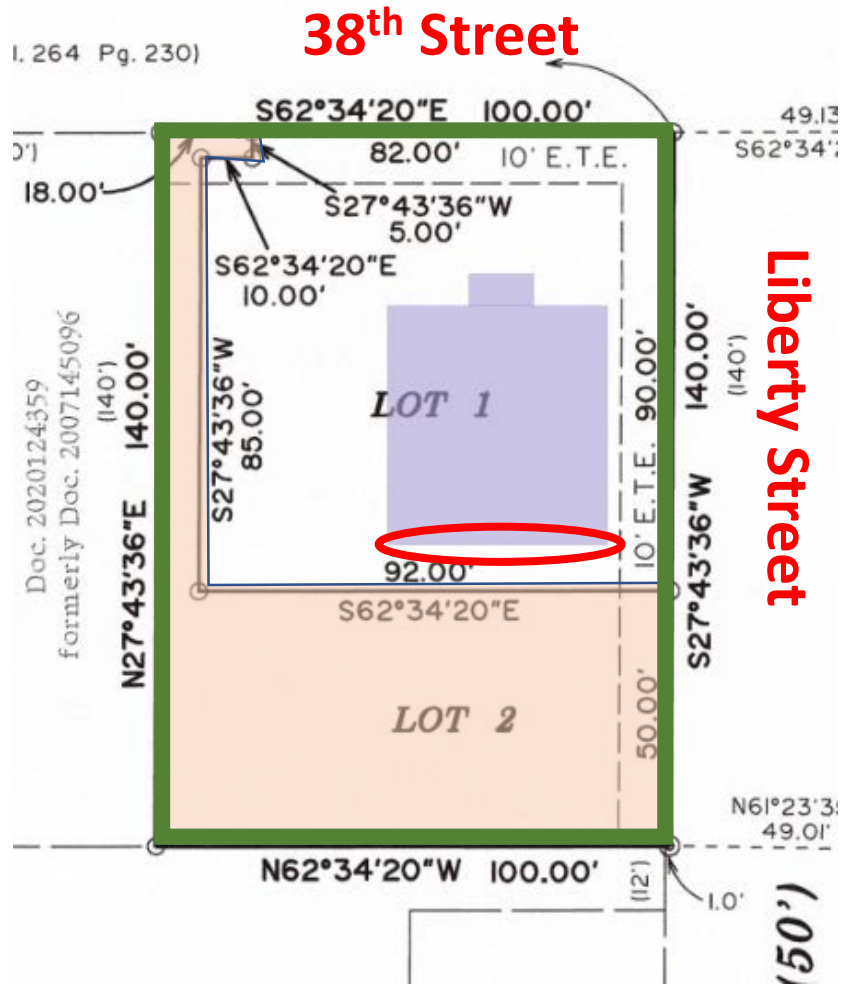
509 E 38<sup>th</sup> Street  
Case #C15-2022-0043  
Eric Goff



- Original lot (outlined in green) is 14,027 SF corner lot with a 1954 home on it. Home is in good condition.
- Subdividing into Lot 1 and Lot 2
- New Lots:
  - Lot 1: faces and has driveway access to 38<sup>th</sup> Street, is 8,230 SF, and contains the existing 1954 house
  - Lot 2: has access on Liberty street. 5,770 SF . Has 50 ft of frontage (minimum allowed by code). Plan is to build a home on this lot

# The Variance

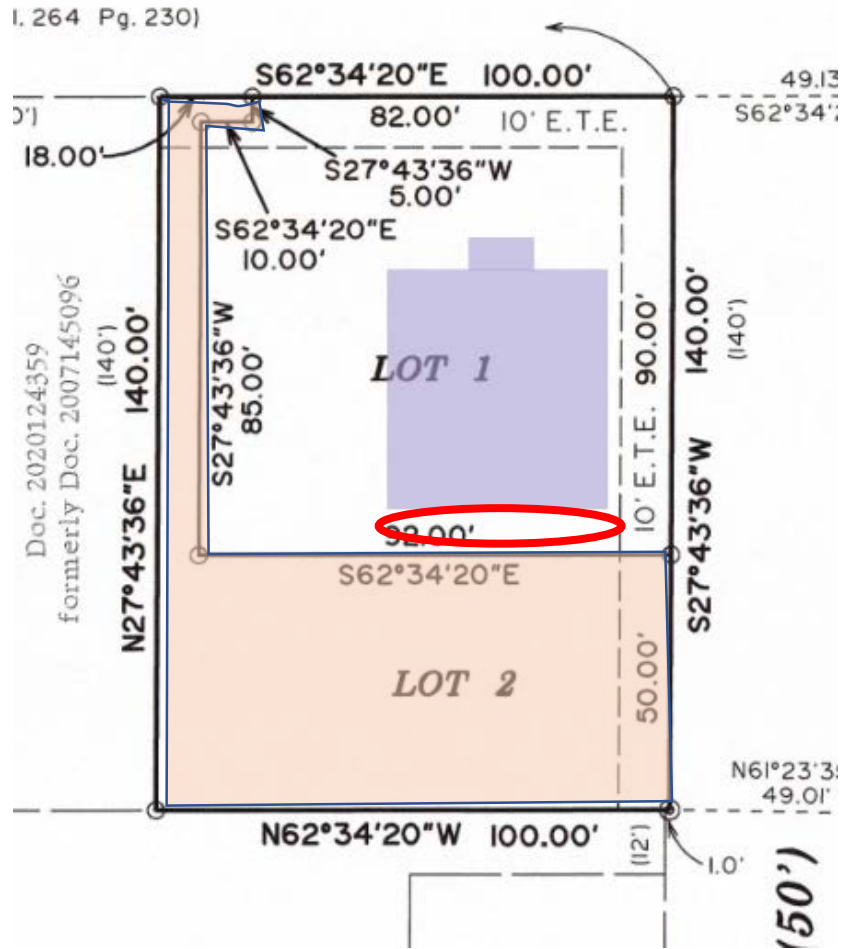
509 E 38<sup>th</sup> Street  
Case #C15-2022-0043  
Eric Goff



- Lot 2 (the new lot) does not need any variances, it meets code.
- Lot 1 (with existing house)
  - Due placement of the existing house, we need a 1 foot variance to the set back requirement.
  - The house needs a 10 ft set back, but is 8 inches too far toward the back of the lot.

# The Findings

509 E 38<sup>th</sup> Street  
Case #C15-2022-0043  
Eric Goff



## Required Findings:

- (A) reasonable use: A subdivision would require the demolition of the existing 1954 house that is representative of the character and scale of the area.
- (B) Hardship unique to property and not general: The Property includes an existing 1954 house that is typical for the area and worth preserving. The placement of the house by 8 inches presents a challenge that not all area lots share.
- (C) Adjacent Property: a one foot variance to the setback will not impair the use of any surrounding properties

# The Potential Outcomes

509 E 38<sup>th</sup> Street  
Case #C15-2022-0043  
Eric Goff

**If variance is granted:** The Variance will allow the new house to stay as is.

**If variance is not granted:** Without the variance, the house will have to be demolished before the subdivision can be approved.

See back up materials for a letter from COA Subdivision official that says the variance or demolition is needed before subdivision can be approved





Item 6/5-PRESENTATION

# The House

**Built in 1954**

509 E 38<sup>th</sup> Street  
Case #C15-2022-0043  
Eric Goff



# Preservation Austin



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August 5, 2022

Board of Adjustment  
301 W. 2nd Street  
Austin, Texas 78701

RE: Case #C15-2022-0043, 509 E. 38th Street

Dear Chair Cohen, Vice Chair Hawthorne, and Members of the Board of Adjustment,

Preservation Austin exists to empower Austinites to shape a more inclusive, resilient, and meaningful community culture through preservation. We write to you today to respectfully support the owner's request for a variance to subdivide 509 E. 38th Street with a reduced setback requirement in order to retain the existing historic-age home on the lot. The current code requires a setback of 10 feet and the owner requests a reduction to 9 feet and 4 inches. This variance will allow the owners to keep the existing house while creating density in a Central Austin neighborhood through subdivision and infill. If the variance is not granted, the owners of the property will be required to demolish the existing structure before finalizing the subdivision.

The residence at 509 E. 38th Street was built in 1958 and sits on an oversized lot of 14,027 SF. It is an example of a Mid-century Ranch house that is characteristic of post-war American development and exhibits distinctive architectural features such as low-pitch roof lines, limestone veneer, and an oversized chimney. The house is in excellent condition and there is no reason why it cannot continue to serve as a home for future families.

Too often our land development code incentivizes the demolition of existing, more affordable housing stock throughout Central Austin - in this case, because of a mere eight-inch discrepancy. This practice has environmental implications as well. We know based on [our research](#) that construction and demolition debris accounted for 25% of the waste found in Travis County's three municipal solid waste landfills in 2020. If preserved, we believe this property is well suited to serve as an example of best practices in promoting preservation, sustainability, and density by balancing preservation and thoughtful new infill development. In a development climate that incentivizes preservation over demolition, we applaud the owner's efforts to preserve older housing stock, add new housing, and divert landfill waste.

It is for these reasons that Preservation Austin encourages the Board of Adjustment to grant this variance and allow the owners of 509 E. 39th Street to subdivide the lot with a reduced setback of 9 feet and 4 inches.

Thank you for your service to the community,

Linda Y. Jackson, President

509 E 38<sup>th</sup> Street  
Case #C15-2022-0043  
Eric Goff

**July 27** – the Advocacy Committee of Preservation Austin voted unanimously in support of the variance. (Letter is in backup)

# Summary

509 E 38<sup>th</sup> Street  
Case #C15-2022-0043  
Eric Goff

- Subdividing a corner lot into 2 lots
- New Lot (Lot 2) meets code
- Due to the placement of the current house, we are requesting a 1 foot variance to the rear setback of Lot 1 to preserve the 1954 house
- Without the variance, the subdivision could still be approved, but only after demolition of the 1954 house

