

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-9
AGENDA DATE: Thu 06/24/2004
PAGE: 1 of 1**

SUBJECT: C14H-04-0004 – Fruth House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3500 Speedway from Multi-family Residence (MF-4) district to Multi-family Residence - Historic (MF-4-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Multi-family Residence - Historic (MF-4-H) combining district zoning. Planning Commission Recommendation: To grant Multi-Family Residence- Historic (MF-4-H) combining district zoning. Applicant: Betty Fruth McClain (owner). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.

REQUESTING Transportation, Planning
DEPARTMENT: and Sustainability

DIRECTOR'S
AUTHORIZATION: Austan Librach

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-04-0004

H.L.C. DATE:

February 23, 2004

P.C. DATE:

March 23, 2004

AREA: 5,611 square feet

APPLICANT: Betty Fruth McClain, owner **AGENT:** Gregory Penny

HISTORIC NAME: Fruth House

WATERSHED: Waller Creek

ADDRESS OF PROPOSED ZONING CHANGE: 3500 Speedway

ZONING FROM: MF-4

ZONING TO: MF-4-H

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from multi family residence (MF-4) district to multi family residence-historic (MF-4-H) combining district zoning.

HISTORIC LANDMARK COMMISSION ACTION: Recommended the proposed zoning change from multi family residence (MF-4) district to multi family residence-historic (MF-4-H) combining district zoning, by consent. (Vote: 7-0; Fowler, Laky and Leary absent).

PLANNING COMMISSION ACTION: Recommended the proposed zoning change from multi family residence (MF-4) district to multi family residence-historic (MF-4-H) combining district zoning, by consent. (Vote: 7-0).

DEPARTMENT COMMENTS:

The house is listed in the Comprehensive Cultural Resources Survey (1984) but without a preservation priority ranking. The house is located in the North University Neighborhood Association Planning Area.

CITY COUNCIL DATE: June 24, 2004

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION:

North University Neighborhood Association

BASIS FOR RECOMMENDATION:

The ca. 1928 Fruth House is an excellent example of the Southern Colonial Revival style, very popular in the 1920s. The house was built for Joe L. Fruth, a salesman for the H.H. Voss Company, a wholesale and retail dry goods and hardware concern. After his death in 1941, his widow Ruth earned a living as a stenographer and legal secretary. The house has remained in the Fruth family since it was built.

The Fruth House meets Historic Landmark Designation Criteria 1, 3, 6, 7, and 12.

(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.

This ca. 1928 house is one of the city's few examples of "high style" architectural ornamentation on a relatively modest structure, representing the refinement in Austin's middle class suburban development in the 1920s.

(3) Embodiment of distinguishing characteristics of an architectural type or specimen.

The house has a broken pediment above the central entry, a fanlight in the entry door, 6:6 fenestration, and a deep inset porch, all distinguishing characteristics of the Southern Colonial Revival style. Colonial Revival architecture was meant to evoke traditional values. This house, with its full-height porch on square and wood posts, represents the local adaptation of Colonial Revival, echoing the plantations of the Old South.

(6) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on architectural, historical or cultural motif.

The house is located in an area which could be included in a possible historic district centering on Cedar Street, one block to the west.

(7) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style. The house represents the tastes and housing available to the middle class in Austin in the late 1920. The American middle class embraced the architectural revivals of the 1920s, with the Southern Colonial Revival style being very popular during that time and into the late 1930s. The house at 3500 Speedway reflects a refinement in architectural expression for the middle class at that time.

(12) A building or structure that because of its location has become of value to a neighborhood, community area, or the city.

The house is located on Speedway, a north-south street in the center of the North University Neighborhood Association area. Its location on the corner serves as a gateway into the older residential area just to the west. It is one of only a handful of older single-family residences remaining on this section of Speedway.

PARCEL NO.: 02180403100000

DEED RECORD: Unknown

ANNUAL TAX ABATEMENT: \$1,054 (income-producing rate – all taxing authorities)
City abatement: \$275.

APPRAISED VALUE: \$165,775

PRESENT USE: Vacant

CONSTRUCTION/DESCRIPTION: One-and-a-half-story rectangular-plan side-gabled frame house with full-width deeply inset porch; Southern Colonial Revival details in the broken pediment above the front door and fanlight.

CONDITION: Excellent

PRESENT OWNERS

Betty Fruth McClain
P.O. Box 880
Palmer, Texas 75152

DATE BUILT: ca. 1928

ALTERATIONS/ADDITIONS: None.

ORIGINAL OWNER(S): Joe L. Fruth (1928)

OTHER HISTORICAL DESIGNATIONS:

NATIONAL REGISTER: No

RECORDED TEXAS LANDMARK: No

NATIONAL LANDMARK: No

LOCAL SURVEYS: Yes, the house is listed in the Comprehensive Cultural Resources Survey (1984), but with no preservation priority.

01-0046

01-0

**CHURCH
RELATED
FACILITIES**

EAST 30TH STREET

PARKING
APTS.

SF-3-H-NCOD

4.NCCD

01-0046

~~01-0046~~

SF

30

MEC

**POWER
STATION**

10

SF-3

EAST

SE-307

C

14

MF-2/

APTS. 1001

100

PENDING CASE

ZONING BOUNDARY

CASE MGR: S. SADOWSKY

HISTORICAL DEMOLITION PERMIT

CASE #: HDP-03-0211

ADDRESS: 3600 SPEEDWAY

DATE: 04-01

SUBJECT AREA (acres): N/A

INTLS: SM

CITY GRID
REFERENCE
NUMBER

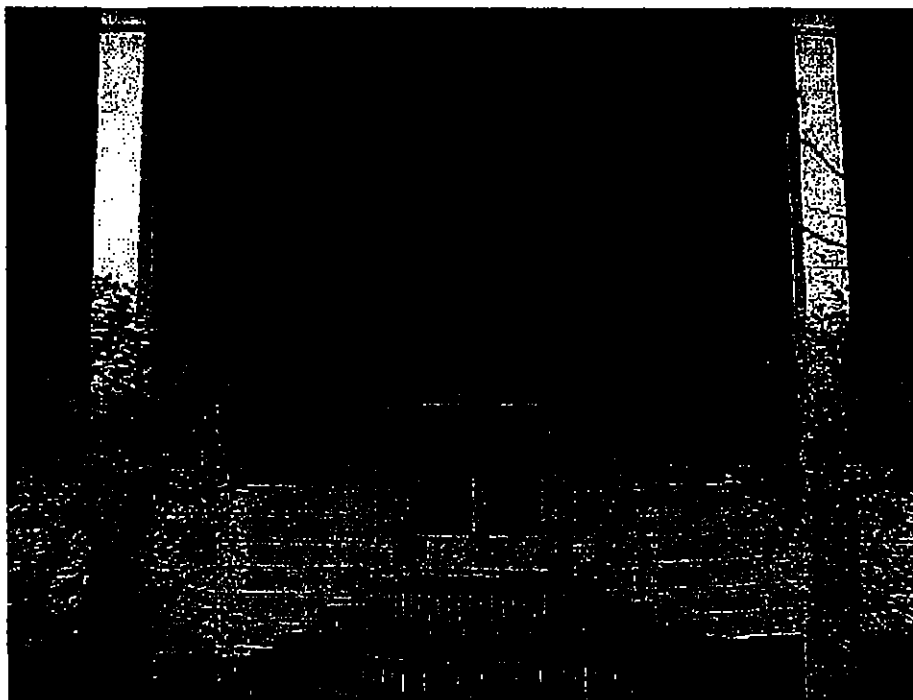
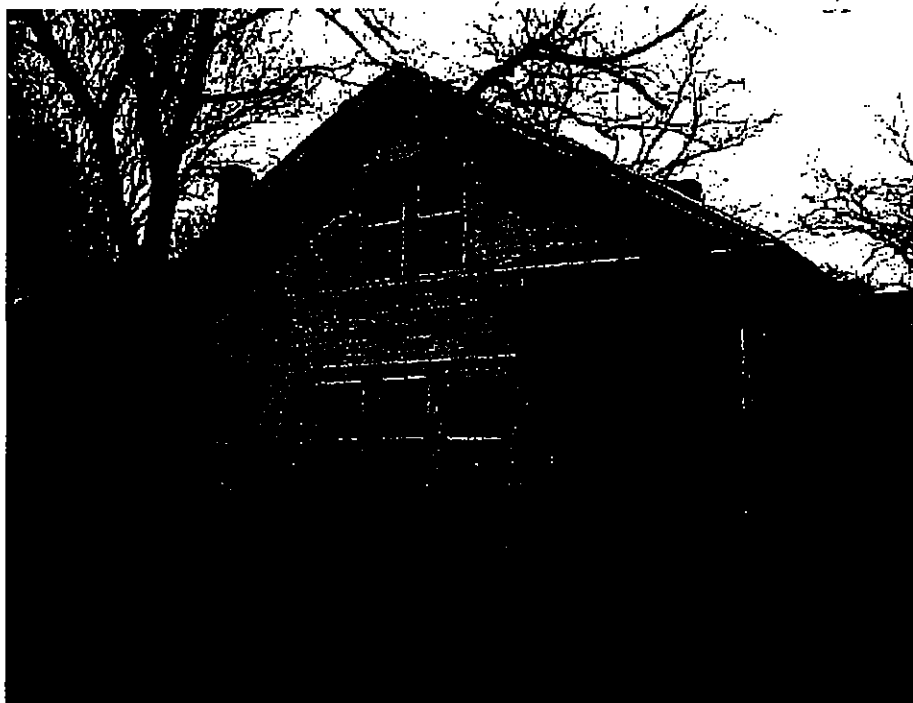
J25

*=200'

~~WTF-4~~

97-107 JV

JOHNS



3500 SPEEDWAY

A. APPLICATION FOR HISTORIC ZONING

PROJECT INFORMATION:



BASIC PROJECT DATA:

1. OWNER'S NAME: Betty Keith McClain, P.O. Box 880 Palmer, TX. 75152-0880
 2. PROJECT NAME: Mount House
 3. PROJECT STREET ADDRESS (or Range): 3500 Speedway
 ZIP 781 COUNTY: TRAVIS
 IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:
 LOCATED _____ FRONTAGE FEET ALONG THE N. S. E. W. (CIRCLE ONE) SIDE OF
 (ROAD NAME PROPERTY FRONTS ONTO), WHICH IS
 APPROXIMATELY _____ DISTANCE FROM ITS
 INTERSECTION WITH _____ CROSS STREET.

AREA TO BE REZONED:

4. ACRES _____ (OR) SQ.FT. 5611.5 sf

5. ZONING AND LAND USE INFORMATION:

EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
<u>MF-4</u>	<u>Single-family residence</u>	_____	<u>5611.5 sf.</u>	<u>single-family</u>	<u>MF-4-H</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RELATED CURRENT CASES:

6. ACTIVE ZONING CASE? (YES / <u>NO</u>)	FILE NUMBER: _____
7. RESTRICTIVE COVENANT? (YES / <u>NO</u>)	FILE NUMBER: <u>N/A</u>
8. SUBDIVISION? (YES / <u>NO</u>)	FILE NUMBER: _____
9. SITE PLAN? (YES / <u>NO</u>)	FILE NUMBER: _____

PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

SIMMS RESUB. OF

10a. SUBDIVISION REFERENCE: Name: BUDDINGTON SUBD.
Block(s) 2 Lot(s) 1 Outlot(s) 777 DIV D
Plat Book: _____ Page _____
Number: _____

10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: _____ PAGE: _____ TAX PARCEL I.D. NO. 02-180403100000

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES / NO
TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) _____

13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? (YES) / NO

14. IS A TIA REQUIRED? YES / NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)
TRIPS PER DAY: N/A
TRAFFIC SERIAL ZONE(S): N/A

OWNERSHIP TYPE:

15. ☒ SOLE ☐ COMMUNITY PROPERTY ☐ PARTNERSHIP ☐ CORPORATION ☐ TRUST

If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION: HISTORIC LANDMARK COMMISSION INITIATED

16. OWNER CONTACT INFORMATION
SIGNATURE: N/A NAME: _____
FIRM NAME: _____ TELEPHONE NUMBER: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
EMAIL ADDRESS: _____

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION
SIGNATURE: Steve Sadowsky NAME: Steve Sadowsky
FIRM NAME: CoA Hist. Landmark Commission TELEPHONE NUMBER: 974-6454
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
CONTACT PERSON: _____ TELEPHONE NUMBER: _____
EMAIL ADDRESS: _____

DEPARTMENTAL USE ONLY: _____

D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Steve Sabourin 2-23-04
Signature Date

Name (Typed or Printed)

Firm (If applicable)

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

N/A _____
Signature Date

Name (Typed or Printed)

Firm (If applicable)

E. ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and / or
Zoning Conditional Overlays

I, Steve Sadowsky have checked for subdivision plat notes, deed restrictions,
(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

3500 Speedway
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

Steve Sadowsky
(Applicant's signature)

2-23-04
(Date)

3500 SPEEDWAY

Ownership and Occupancy History
Compiled by City Historic Preservation Office
January, 2004

1990	Mrs. Ruth B. Fruth (owner), retired
1983	Mrs. Ruth B. Fruth (owner), retired
1977	Mrs. Ruth B. Fruth (owner), retired
1970	Mrs. Ruth B. Fruth (owner), office secretary, Thomas B. Kellum, attorney
1963	Mrs. Ruth B. Fruth (owner), no occupation listed
1957	Mrs. Ruth B. Fruth (owner), no occupation listed
1953	Mrs. Ruth B. Fruth (owner), office secretary, George E. Shelley, attorney
1949	Mrs. Ruth B. Fruth (owner), stenographer, George E. Shelley, attorney
1944-45	Mrs. Ruth B. Fruth (Widow, Joe) (owner), stenographer Also Betty J. Fruth, student, University of Texas NOTE: Joseph L. Fruth died March 17, 1941 at age 48 from injuries received when he was struck by an automobile as he was walking to the Knights of Columbus Hall on Lavaca Street. Mrs. Fruth had let him out of the car at 15 th and Lavaca to buy cigars and he was hit as he crossed the street.
1941	Joseph L. and Ruth B. Fruth (owners). Joe is listed as a salesman for H.H. Voss Company, wholesale and retail hardware, glassware, stoves, paper bags, and hotel supplies, with offices at 511 Congress Avenue.
1935	Joseph L. and Ruth B. Fruth (owners). Joe: salesman, H.H. Voss Company.
1932-33	Joseph L. and Ruth B. Fruth (owners). Joe: salesman, H.H. Voss Company. NOTE: Address is listed as 3700 Speedway.
1930-31	Joseph L. and Ruth B. Fruth (owners). Joe: salesman, Voss & Kooch, wholesale and retail hardware.
1929	Joel (sic) and Ruth Fruth (owners). Joe: traveling salesman, Voss & Kooch.
1927	Address not listed in City Directories.

Travis County Deed Records show that Joe Fruth purchased this property from Edwin Kilian on January 13, 1928. (Volume 413, page 238).

North University Neighborhood Association

NUNA Steering Committee Meeting

March 1, 2004

a Resolution

Whereas:

- The J.L. Fruth House located at 3500 Speedway has been found to be an asset to the character and history of our neighborhood.
- This neoclassical cottage contains elements of Colonial Revival style as well as distinctive Federalist stylistic features. The overall presentation is uncommon, and there are few similar properties in the city.
- The Fruth Family has had a long history in our neighborhood. Members of the family descended from German settlers who established a homestead 800 yards southwest of the house on the grounds of present-day Kirby Hall. The Fruth subdivision, as well as Fruth Street was named to commemorate the contributions of these early Austin pioneers.
- The house is the best architectural specimen of three houses in a row that belong to descendants of the Fruth Family.
- The Fruth homes are the last single family structures remaining on Speedway south of 38th.
- This property serves as one of the few remaining east-west links to two large areas containing historically significant properties. If it were not for the 3500 Speedway property and just a few others, these two historical areas would be separated by relatively recent, high-density development corridor on Speedway.
- Preservation of the property reflecting the historical emphasis of single family homes in the area will make an important connection with Austin's past, as well as signaling its commitment to future residents by maintaining the livability and architectural diversity of central neighborhoods.

Resolved:

The Steering Committee of the North University Neighborhood Association supports historical designation and historical zoning for the property located at 3500 Speedway, Austin Texas.

By:

Richard J. Iverson

title: Co-Pres.

date: 3-1-04

unanimous: x

other (vote): _____

North University Neighborhood Association
111 Laurel Lane
Austin, Texas 78705

**Re: J.L. Fruth House Historic Designation
3500 Speedway**

March 1, 2004

City of Austin City Council
P.O. Box 1088
Austin TX, 78767

Dear Mayor and Council Members:

The North University Neighborhood Association supports Historic Designation and Historic Zoning for the property located at 3500 Speedway.

Several of us had the pleasure of meeting with the owners of the property in an open house the owners held on January 25th. After discussions with the family, they expressed an interest in pursuing historic zoning for 3500 Speedway. Members of our association joined with staff to present the case for historic designation at the Historic Landmark Commission on January 26, 2004.

The Historic Landmark Commission endorsed the application with a unanimous vote on Feb 23rd and cited 7 of 13 criteria in their motion.

We attach a resolution from the North University Neighborhood Association supporting historic designation and zoning for 3500 Speedway.

Sincerely,

Richard Jensen
Co-Pres.